

SCANDALPALOOZA
FRED BARNES • STEPHEN F. HAYES
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Standard

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'WHITE PRIVILEGE'

You're all guilty, guilty, guilty!

BY CHARLOTTE ALLEN



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COVER BY THOMAS FLUHARTY

The Biden Boom

It may be hard to believe, or maybe it's all too believable; but here in Washington the chattering classes are beginning to ask a question that, elsewhere in America, might seem premature: After Obama, what?

Of course, since we read the *Washington Post* and the *New York Times*, we know that the Republican party, or what's left of it, is in hopeless ideological disarray, and seems destined to nominate either the reincarnation of Joseph McCarthy (Sen. Ted Cruz of Texas) or better yet, stage a coup d'état financed by the Koch brothers.

But what about the Democrats? Two ambitious East Coast governors—Martin O'Malley of Maryland and Andrew Cuomo of New York—are clearly off and running. But the smart money seems to be settling on ex-Secretary of State Hillary Clinton and Vice President Joseph Biden.

We know this because the *Post* ran a speculative piece last week about a Biden candidacy, with all the standard features: Fellow Democrats saying nice things about him, anonymous sources pointing out his liabilities. But in case readers feel especially naïve and uninformed at this stage, THE SCRAPBOOK is here to say that the 2016 presidential election is exactly three-and-a-half years away, and in the immortal words of the late British prime minister Harold Wilson, “A

week is a very long time in politics.”

Better yet, in THE SCRAPBOOK's opinion, the author of the *Post* piece, White House correspondent Philip Rucker, made an amusing error which should comfort those who worry that members of the Washington press corps know something they don't know. “People close to Biden,” wrote Rucker, “laid out several considerations on his



Boomers: Don't blame us for this one.

mind, starting with fundamental political concerns: Would the country effectively turn backward by picking a baby-boomer white man to succeed a youthful black president?”

Well, Joe Biden is unquestionably a white man, and we'll accept the proposition that Barack Obama—who turns 52 this August—is “youthful.” But

from the all-important social/chronological perspective, Rucker has it exactly backwards: It is Obama (b. 1961), not Biden, who is the baby boomer. Biden (b. 1942) is a dues-paying member of that pre-baby boom phenomenon, the Silent Generation. Which may seem ironic in the case of our garrulous vice president, but it's still true.

And it raises an interesting point. George H.W. Bush (b. 1924) was the last of the eight World War II veterans in the White House but was succeeded not by a member of the Silent Generation (that is, anyone born between 1925 and 1945) but by the archetypal baby boomer Bill Clinton (b. 1946). The presidency, in effect, skipped over the Korean War veterans, the college students of the Eisenhower era, and those who came of age and started families before the Beatles and the Summer of Love. The 2000 election of George W. Bush (b. 1946) continued the trend, which seemed permanent by 2008 when baby boomer Obama defeated the Silent Generation's John McCain (b. 1936).

So yes, a Biden presidency—strictly theoretically, of course—would be a reversion of sorts; but contrary to Philip Rucker, away from the baby boom, not toward it. Which, now that we think of it, raises the profile of another eligible vice president, Dick Cheney (b. 1941). ♦

Beetlemania

THE SCRAPBOOK was drawn like a moth to the flame by this eye-grabbing teaser last week on the front page of the *Washington Post*'s Health & Science section: “A metallic-green beetle has arrived . . . If you live near an ash tree, beware.” The headline was equally unnerving: “Exotic beetle has killed 100 million ash trees—and maybe some humans, too.” It gets worse. The *Post* cites a study linking the emerald ash borer (EAB), an invasive species, to 21,000 deaths.

So a swarm of metallic-green beetles is flying around and killing tens of thousands of people. How? By eating them alive or spraying some sort of lethal venom? Are we talking about the bugs from *Starship Troopers*—the ones that rip you to shreds or stab you in the brain? Well, not exactly.

“A study in February's *American Journal of Preventive Medicine* showed that deaths from cardiovascular and lower respiratory illnesses rose as ash trees vanished,” the *Post* explains. “The study found that the EAB's effects can be linked to more

than 21,000 deaths—an additional 24 deaths per 100,000 people every year, a 10 percent increase in mortality for those diseases.”

There's that wonderfully ambiguous word: *linked*. And as the *Post* acknowledges, “Although the authors did not detail any direct cause-and-effect relationships, they did cite previous studies demonstrating the health benefits of trees: They improve air quality, moderate temperature, and provide opportunities for physical activity; trees are psychologically soothing and act as buffers for stress;

REUTERS / JASON REED / LANDOV

a walk through the woods reduces heart rates and lowers cortisol levels; children living on tree-lined streets are less likely to have asthma.”

Not psychologically soothing: the thought of little green bugs devouring 21,000 people. Thankfully, this is not happening. At least not this week. ♦

Bus-ted

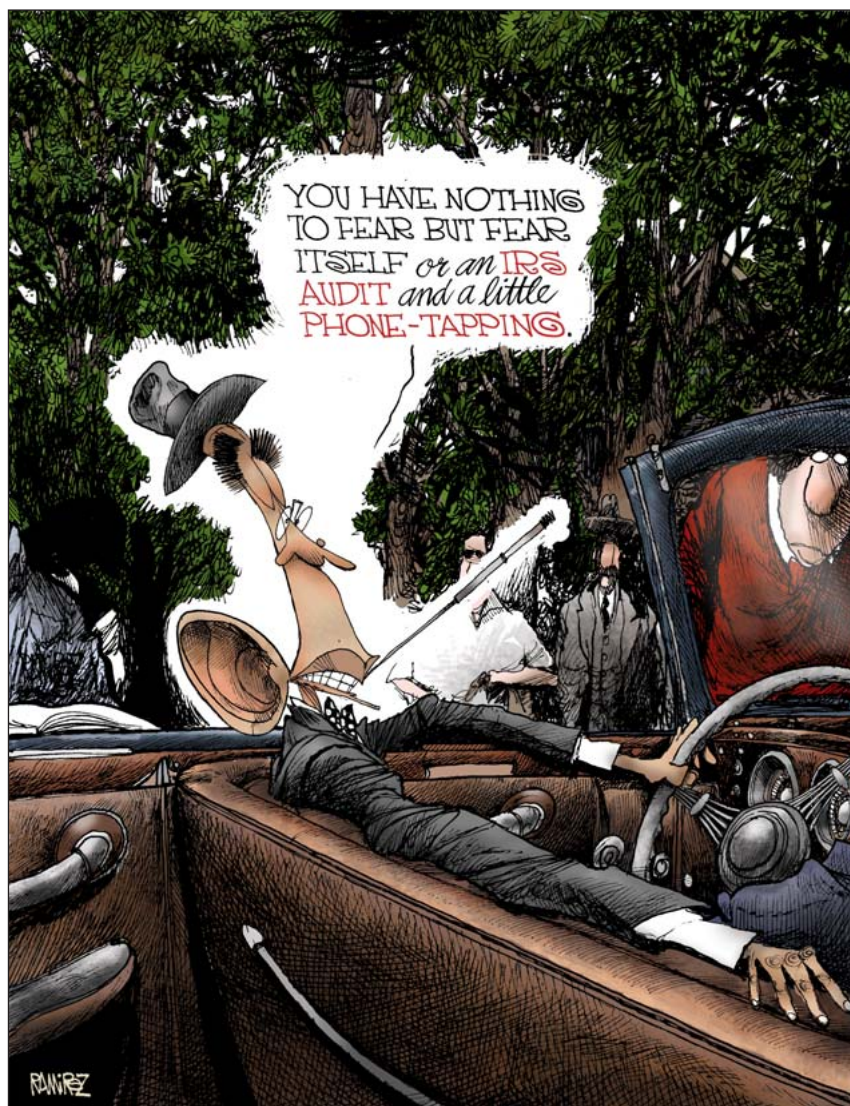
As if we needed it, last week provided a fresh reminder about how the government behaves in the wild. And it has nothing to do with the IRS, Benghazi, or Eric Holder.

If you live in the Northeast, you likely know about “Chinatown buses” and may even have ridden one. The “Chinatown bus” industry popped up in the late 1990s to compete with the legacy bus carriers (Greyhound, Peter Pan, and the like). The Chinatown bus companies didn’t use stations—people just lined up at a designated pickup spot on the street, usually in the Chinatown section of the city. (Which is why they are classified, in industry jargon, as “curbside” carriers.) The buses then whisked them off to Washington or Philadelphia or New York or Boston. The fares were cheap. Ridiculously cheap. Cup-of-coffee cheap.

A couple of years ago the federal government decided to have a look, and they discovered that these bus services were insanely dangerous. The National Transportation Safety Board (NTSB) commissioned a study which found that curbside carriers were “seven times more likely” than traditional carriers to be involved in an accident with at least one fatality. With these findings in hand, Sen. Chuck Schumer (D-Central Casting) went after the curbside companies to “reform” their business practices. As a result, 27 of those companies went out of business.

That’s not a bad headline—Government Saves Bus Passengers from Certain Death. There’s only one little complication to this story: The research in the NTSB report is junk.

Reason magazine recently published an exhaustive takedown of the NTSB study by Jim Epstein, and it’s



a cautionary tale about both the limits of social science and the disposition of government bureaucrats.

As Epstein shows, the NTSB study was flawed in both execution and design. The NTSB counted 37 incidents in which at least one person was killed during an accident involving a curbside carrier. But in 30 of those 37 accidents, curbside carriers weren’t involved. The incidents were simply misclassified. In fact, 24 of the incidents involved Greyhound, the most established of the legacy carriers. Yet maybe that’s not surprising, given that the study classified Greyhound as one of the “curbside” carriers. Which it is not. As it happens, Greyhound, eager to get in on the Chinatown bus market,

set up a subsidiary called BoltBus. But BoltBus has been quite safe and had no fatal accidents during the study period.

There were other, foundational, methodological errors. For instance, the researchers do not seem to have taken into account “miles traveled” when calculating their accident rates—meaning that we have no true sense of the accident rates as a function of actual operation. Even worse, they seem to have made no effort to determine whether or not the data were sufficient to accord statistical significance to their findings. A statistician from the University of Pennsylvania’s Wharton School with whom Epstein spoke believes that the NTSB report does not achieve statistical significance, and an

NTSB spokesman last week confirmed his suspicions: “We do not say it is statistically significant,” the flack said. “We just put out the numbers.”

That’s very instructive. But perhaps the most instructive aspect to all of this was the government’s response to Epstein. As he was researching his piece, he asked the NTSB to share the data. They did not respond. So he filed a formal FOIA request for it. That was ignored, too. In particular, Epstein was interested in a chart showing the relative accident rates and confidence intervals. The NTSB told him that such a chart did not exist.

After Epstein painstakingly recreated the research on his own—and demolished the government’s findings—he went to the NTSB and asked them to comment. Their response: “The NTSB stands by its report.”

And that’s that.

It got worse, if you can believe it. After a reporter from Bloomberg became interested in the story, the

NTSB quickly sent him a copy of the chart they had told Epstein didn’t exist. You can vote for a new president. You can vote for a new Congress. But you can’t vote for new NTSB bureaucrats. It’s their country; we all just live in it. Because that’s how Leviathan works.

And if you find that infuriating, imagine how it must feel to have been involved in one of the 27 curbside companies that was shut down. ♦

Sentences We Didn’t Finish

‘S till, even though New Yorkers subsidized the states closest to the political values of Ted Cruz, you never heard much complaining about how it’s unfair to support the gun-toting culture of the South, or underwrite its chronic disregard for the poor, the environment and those without health insurance. For that matter . . . ” (Timothy Egan, *f*, May 13). ♦



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Go Google Yourself

I was not long ago introduced before giving a talk by a woman who, to authenticate my importance, said that she had Googled my name and found more than 12 million results. She didn't, thank goodness, go on to say what some of these results were. If she had, she might have mentioned that a few years ago I was, in the blog of a minor academic, "Blowhard of the Month." More recently I have been a "wuss," an "old pouf," and a "homophobe." (An old pouf *and* a homophobe? On the Internet, the law of contradictions, like many other laws, has long ago been abrogated.) Had she checked more closely under Amazon.com she would have discovered that some of the books I've written have been deemed "mediocre," "deeply biased," and (a favorite) "a waste of paper."

"To write a book," said Stendhal, "is to risk being shot at in public." I used to compare having a book out in the world to walking down a deserted street, when suddenly a window opens and from behind a curtain someone yells, "Fool." Twenty or so steps farther a second window opens and out of it another person shouts, "Fraud." Not too much farther on, yet another window opens, and someone screams, "Hey, Emperor. Forget your trousers?"

This was in olden days, B.I., or Before the Internet. With the advent of the Internet, the feeling of having a new book in the world is more like driving a buckboard and sighting, on the rim of the hill in the near distance, an endless lineup of Apaches, armed not with bows and arrows but computers and smartphones. On the Internet anyone can say anything without need of argument or authentication. A reader of one of my books gave it the lowest possible rating on

Amazon.com even though he allowed he had never read it, but he agreed with another reviewer who thought the book "disappointing and annoying." Better this, though, than to be called, as I recently have, a "hack" and a "bigot."

"The Internet," Molly Haskell wrote, "is democracy's revenge on democracy." I take Ms. Haskell to have meant that there are places where democracy has no place, and in those places where it puts forth its



snouty nose, disarray is likely to follow. Fifty million Frenchmen, to reverse an old cliché, are frequently wrong. Does this sound elitist? If so, that is only because it adamantly is. Many are the things on which one opinion is not as good as another, and culture is among them.

The Internet gives writers too much information about reactions to their own work. Over the past 40 years, I must have been reviewed perhaps 2,000 times. I have been much more praised—sometimes lavishly, unconvincingly so—than attacked. Some of the attacks are perfectly understandable, due as they are to fundamental disagreements about literature, politics, the way people ought to live. In literary criticism, injustice isn't all

that hard to take. As H.L. Mencken noted, only true justice stings.

I have even forgotten the names of some of the professional reviewers who have attacked my books. This suggests that I do not suffer from Irish Alzheimer's, a condition, a friend named Pat Hickey tells me, in which one forgets everything but one's grudges. But the off-the-cuff remark from someone without any intellectual pretensions can hurt more. Because of this, when in my local library I never look at copies of my books, lest I pick one up and find something insulting written in the margins. A used-book seller once told me that the most amusing bit of marginalia he ever encountered in a book in his shop read, "C'mon, Ortega!!!"

The problem in Googling oneself—"Googling oneself," the act sounds vaguely obscene—is that a writer does so in the hope of finding himself extravagantly praised from unexpected quarters. Or he hopes to find that his slowly dying book, ranked 682,567th on Amazon.com on Tuesday, has leaped forward and is ranked 9th on Wednesday because adopted by the entire public school system of Calcutta.

Not everything a writer finds about himself on Google is a kick in the pants, a stick in the eye. On occasion a hitherto unknown blogger turns up showing not only appreciation but genuine understanding of what he is trying to do. Or he might find others rising to his defense after he's been unjustly slammed.

Yet for writers, who are by nature fantasists, Google functions as a reality instructor. In its devastating randomness it reminds them of what the world thinks of them. "Every time I think I am famous," the composer Virgil Thomson once said, "I have only to go out into the world." For writers, this might be altered to read, "Every time I think I am admired, I just Google myself."

JOSEPH EPSTEIN

When It Rains, It Pours



No way to spin this: a drizzly Rose Garden news conference, May 16

There is no curse on the second term of presidents. When presidents lose credibility, when trust vanishes and their word is no longer accepted, they have only themselves to blame. That was true for President Nixon, among many others, and now it's true for President Obama.

In confronting the Benghazi and IRS scandals, Obama has relied on the three tactics favored by politicians in trouble: lies, spin, and obfuscation. The main objective is to mislead the press and public. A lesser aim is to sidetrack the controversies and reduce them to a debate over tangential issues.

- **Lies.** Even when he's been publicly corrected, Obama repeats mistruths. At his press conference last week, the president spoke of the attack on the American facility in Benghazi, Libya, on September 11, 2012. "The day after it happened, I acknowledged that this was an act of terrorism," Obama said. Only he hadn't.

What Obama actually said in the Rose Garden on September 12 was: "No acts of terror will ever shake the

resolve of this great nation, alter that character, or eclipse the light of the values that we stand for." It was a generic mention of terror, not directed at the Benghazi attack.

We know this because Obama was interviewed immediately after his Rose Garden statement by Steve Kroft of *60 Minutes*. "Do you believe that this was a terrorist attack?" Kroft asked. "Well, it's too early to know exactly how this came about, what group was involved, but obviously it was an attack on Americans," Obama answered.

Obama also insisted at his press conference that no one knew "what was taking place during the course of these first few days" after the attack. But Greg Hicks, who became acting U.S. ambassador to Libya upon the death of Chris Stevens, and others on the ground in Libya, plus various intelligence officials, did. And only five days before the president's session with reporters last week, Hicks said in highly publicized testimony on Capitol Hill that he knew from day one it was an al Qaeda-backed terrorist attack.

On the IRS scandal, the president's initial reaction

was to shift potential blame away from himself and his administration by characterizing the IRS as an “independent agency.” It’s not and never has been. Obama referred to the IG investigation of the IRS without mentioning it was being conducted by a Treasury Department inspector general. Was Obama unaware of Treasury’s role? He must have figured out the IRS wasn’t independent by the time he fired its acting director last week.

- **Spin.** This involves a statement that’s partially true, but distorted to the benefit of the spinner. The president, again in the press conference, said he “sent up the head of our National Counterterrorism Center, Matt Olsen, up to Capitol Hill and [he] specifically said it was an act of terrorism and that extremist elements inside of Libya had been involved in it.”

Olsen did testify as Obama recounted, but not because he was “sent up” by the president. Olsen had been long scheduled to appear at the September 19 hearing on cyber-security. And it was only in answer to a question—not in his prepared testimony—that Olsen said the Benghazi attack was an “act of terrorism” carried out at least partly by “extremist elements.”

This trapped the White House into conceding the obvious the next day, September 20. Aboard Air Force One, Press Secretary Jay Carney said it is “self-evident that what happened in Benghazi was a terrorist attack.” This was news. The press pooler immediately called from the plane to report it. No less than the *New York Times* was clear why it was important: “Until now, White House officials have not used that language in describing the assault.” For that, we have Matt Olsen, not Obama, to thank.

To defend himself, the president has turned to a familiar trope, that he’s serious and his critics are playing “political games.” The issue of the now-discredited Benghazi talking points has become a “sideshow,” Obama said. While he’s protecting our diplomats in dangerous places, his critics “dishonor them when we turn things like [Benghazi] into a political circus.” Arguing that I’m okay, my opponents aren’t—that’s classic spin.

- **Obfuscation.** This is used to turn a scandal into a squabble by focusing it on peripheral issues. The White House tried this by leaking a single email to a reporter in order to raise questions about the accuracy of another reporter’s quotation from a different email. That’s pretty small stuff, and it lasted one news cycle.

Then last week the White House, under duress, released 100 pages of Benghazi-related emails. With this, the media may concentrate coverage on who weakened the talking points, the CIA or the State Department? Pursuit of that question would keep the press away from Obama to the delight of the White House.

Such tactics are substitutes for telling the truth. Candor is risky. The truth could incriminate. For Obama,

the restoration of trust—the willingness of the press and public to believe him—seems distant. As for a second-term curse, it wouldn’t apply in Obama’s case even if it existed. Benghazi and the IRS scandal occurred in his first term.

—Fred Barnes

Ideological Revenue Service



Sen. Mitch McConnell and Tea Party leaders denounce IRS targeting.

With three different scandals threatening to consume the White House last week—the Benghazi cover-up, the Justice Department’s seizure of the phone records of dozens of Associated Press reporters, and the revelation of an anti-Tea Party inquisition by the Internal Revenue Service—CNBC’s John Harwood offered his journalistic peers some advice on Twitter: “Those of us in political-media world should just shut up about ‘narratives’ and focus on what’s true.” CBS anchor Scott Pelley joined in: “We are getting big stories wrong, over and over again.”

The fact that these sentiments needed to be expressed is a damning indictment of the media, which until last week had spent the entire Obama presidency typing “*Ceci n’est pas un scandale*” over and over again.

Of the three stories, the biggest test for the media will be how they respond to the IRS abuses, which they will be tempted to approve of for ideological reasons. Some 471 conservative groups seeking 501(c)(4) tax-exempt status were harassed by the IRS over a period of years, and our self-styled watchdog media played no role in bringing this

LANDOV

injustice to light. It only became a scandal after the IRS publicly admitted its wrongdoing.

Attorney Cleta Mitchell represents a number of Tea Party and conservative groups—including many that sought and still haven't been granted tax exempt status. Mitchell notes that overwhelming evidence of the IRS's political targeting had long been public. The IRS was so brazen that last year "80 or 90 groups all got letters that are virtually identical, that are oppressive, with 30, 40, 50, 70 questions with parts and subparts and sub-subparts," Mitchell told *THE WEEKLY STANDARD*. "The Ways and Means [subcommittee] on IRS oversight held a hearing, and they asked about all this. Did the press do anything about it? No."

The IRS absurdly insists that conservative groups were not singled out for ideological reasons. But we know that one of the criteria for determining which groups got extra scrutiny, offered up by the IRS with no apparent sense of irony, was a mission that involved "educating on the Constitution and Bill of Rights." Frightening stories of IRS intrusiveness are trickling out. A Tea Party group in Ohio reports that the IRS "wanted to know what materials we had discussed at any of our book studies." One educational group in Tennessee was asked to turn over the names of all the high school and college kids it had trained. A pro-

life group was asked to submit a letter in writing saying it would not protest Planned Parenthood.

The lack of interest by reporters in such stories is not surprising. The default media narrative (with apologies to John Harwood) holds that anyone suspicious of federal power, let alone with claims to be victimized by it, is a feral creature rising from the fever swamps. Indeed, last year the *New York Times*, well aware of the complaints from Tea Party groups, cheered on the government: "The I.R.S. must not flinch from its duty to enforce the tax code and root out political operatives who are abusing the law and conning taxpayers and voters" ("The I.R.S. Does Its Job," March 7, 2012).

Even after the IRS apology, many media figures were eager to defend the government's purity of motive. The IRS demands that applicants reveal what books they read, and the *New Yorker's* Jeffrey Toobin asks, "Did the I.R.S. actually do anything wrong? . . . A handful of I.R.S. employees saw [campaign finance inconsistencies] and tried, in a small way, to impose some small sense of order." The *New York Times* headline last week was "I.R.S. Focus on Conservatives Gives GOP an Issue to Seize On," as if the only disconcerting thing about IRS overreach is the hypothetical effect on Democratic electoral prospects. And Jon Stewart, who is increasingly dropping the comedian pose and

Champions in Intellectual Property: Innovators and Enforcers

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

When we think about intellectual property (IP) issues, it's easy to focus on the bad guys—the criminal organizations, the plotting foreign governments, the online pirates, the counterfeiters, and the hacktivists—and the dangerous consequences of their illicit activities. They pose very real threats in a global economy. But there's a positive side to the story that sometimes gets lost in the debate over IP rights.

There are millions of good actors who contribute to America's economic strength and competitiveness when they abide by IP rules as they invent and innovate—or when they fight to protect IP through enforcement.

The good guys can be found all across the country in startups, studios, and labs, where they are turning their ideas into real products and services. Honest and law-abiding innovators are helping raise

our quality of life, improve choices and safety for consumers, enrich our culture, drive our economy, and create opportunity for others. Together, IP industries account for \$5.8 trillion in GDP, 74% of all exports, and 55.7 million U.S. jobs.

But our entrepreneurs, artists, inventors, and investors need assurance that their ideas will be protected and their work will be fairly rewarded. And consumers need confidence in the safety, quality, and authenticity of the goods and services they buy. Without a strong system of IP rights, such assurance is threatened—along with economic growth and job creation.

The innovators' allies are the agencies and organizations that enforce IP rules. Their work ensures that innovators have strong incentives and that public health and safety are protected. One of the top leaders in enforcement is U.S. Immigration and Customs Enforcement (ICE), which targets the bad actors responsible for producing, smuggling, and distributing counterfeit products. ICE investigations

focus not only on keeping these products off U.S. streets, but also on dismantling the criminal organizations behind them. Many other federal agencies are partnering to take down illicit online "pharmacies"; get dangerous counterfeit items, like airbags, out of U.S. markets; and put illegitimate online operators out of business.

The Chamber's Global Intellectual Property Center (GIPC) recently recognized some of the leading individuals and organizations from government, business, and academia that are promoting and protecting IP. Read more about their efforts at theglobalipcenter.com/IPChampions.

The Chamber and the GIPC will continue to stand strong with our allies in the IP fight—the innovators and the enforcers. Together, we have a responsibility to protect U.S. consumers, jobs, growth, and competitiveness.



U.S. CHAMBER OF COMMERCE
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owning up to his role as the millennial Cronkite, opined that the real problem in the IRS scandal is that it “shifted the burden of proof from the tin foil-behatted to the government.” Alas, it’s not paranoia if the government admits they really were out to get you.

After the IRS scandal broke there was finally a spate of good reporting last week, suggesting a political rot at the IRS that goes beyond what they have so far admitted. But playing catch-up won’t fix the media’s problems. Until newsrooms embrace ideological diversity and start questioning their own political assumptions, they’ll not only get big stories wrong, they’ll miss them completely. There is far more substance to most policy stories than whether they give the GOP “an issue to seize on.” The only “narrative” the media should concern themselves with is the growing evidence that they are deeply partisan and astonishingly incompetent.

—Mark Hemingway

The Real Scandal



Everyone in Washington, except those in the crosshairs, likes a good scandal, and THE WEEKLY STANDARD is no exception. What’s more, in the case of the Obama administration, comeuppance is well deserved and overdue. So while it may be a dubious pleasure to enjoy watching the high brought low and the proud en route to their fall, we’re willing to indulge in it.

THE WEEKLY STANDARD also appreciates the comic and relishes the absurd. So we’re enjoying the excuses being offered for President Obama by his courtiers. Surveying the IRS’s abuses, David Axelrod has taken a break from years

of justifying ever-bigger government to complain that “the government is so vast” that the president can’t be expected effectively to supervise it. White House aides plaintively explain (on background) that when the State Department and the CIA tangled bureaucratically over talking points about Benghazi, neither the White House—nor the president himself!—could do anything but stand helplessly by. The Justice Department subpoenaed vast swaths of phone records from the Associated Press, but it’s unreasonable to expect any explanation from the attorney general. He decided, you see, to recuse himself—but not in writing, no need to stand on formalities. And why not? He’s working for a president who seems to have informally recused himself from running the executive branch.

So THE WEEKLY STANDARD will do its part, with pleasure, to unravel the tangled web the Obama administration’s woven as they’ve practiced to deceive. But as we unravel, and as the administration does too, we should recall this: The true indictment of the Obama administration isn’t found in what they’re embarrassed about. It’s found in what they boast about.

The health care legislation of which President Obama is so proud is more dangerous to our freedoms than the (admittedly serious) abuses of the IRS about which President Obama professes to be apologetic. The defense cuts and the foreign policy doctrines—such as “leading from behind”—that President Obama embraces are more dangerous to our national security than the (certainly deplorable) cover-up over Benghazi. The views openly advocated by his Justice Department with respect to religious freedom, racial preferences, and constitutional interpretation are more dangerous to our constitutional system than the (undoubtedly shocking) management failures at the department.

Obama’s scandals are damaging to the country. Congress should do its duty in getting to the bottom of them, and if the scandals weaken Obama’s ability to push through bad legislation, conservatives have no obligation to look that gift horse in the mouth. But Obama’s liberal policies are more dangerous than his managerial scandals.

That’s why making the substantive case against the Obama administration’s policies remains job one for an opposition that hopes to persuade the American people that it deserves to govern. So the key task is to demonstrate how Obama’s policies are failing, to explain why they’re destructive to the country, and to elucidate why conservative policies have worked in the past and how they can be updated to shape a better future.

This isn’t that hard. But it’s easy to be distracted by the scandal of the day. The real scandal, though, is the Obama administration, whose purposes and policies exemplify a liberalism that degrades popular self-government and embraces American decline.

—William Kristol

What About the Video?

The Benghazi email dump leaves some big questions unanswered. **BY STEPHEN F. HAYES**



Emails, schmemails—let's move on.

So, what about the video? The White House last week released nearly 100 pages of emails detailing some of the discussions within the Obama administration that resulted in major revisions to talking points about the Benghazi attacks drafted by the Central Intelligence Agency.

From the beginning, there have been two big questions about the administration's deceptive spin on Benghazi: How were the talking points whittled down to virtually nothing from the CIA's original draft? And how did a previously obscure YouTube video gain such prominence in the administration's explanation of what happened in Benghazi?

The emails fill in at least some of the details about the talking points. They also leave in ruins administration

claims that White House and State Department officials were mere bystanders in the process. But how, exactly, the video became so prominent in the administration's public rhetoric remains something of a mystery.

The new documents disprove claims by Obama spokesman Jay Carney, Hillary Clinton, and others that the White House and State Department had virtually nothing to do with rewriting the talking points. Carney maintained that officials from State and the White House were responsible for a "single adjustment" to the language. Clinton insisted that the intelligence community was the "principal decider" of what would be said. But the emails make clear that top White House and State officials played key roles in reshaping the CIA's initial draft.

"The State Department had major reservations with much or most of the document," wrote a CIA official from

the Office of Public Affairs, at 9:15 P.M. on September 14. "We revised the document with their concerns in mind."

An official with the CIA's Office of Terrorism Analysis, where the talking points originated, signed off on the changes but warned that members of the House Permanent Select Committee on Intelligence (HPSCI) wouldn't be pleased. "They are fine with me. But, pretty sure HPSCI won't like them. :-)"

The emails make clear that many of the deliberations about changing the talking points—phone calls, teleconferences, and discussions—were not recorded. But a picture nonetheless emerges of officials keenly interested to avoid blame, protect their bureaucracies, and settle on a message that all could live with.

At the end of a chain of emails in the early evening of September 14 regarding the "concerns" of State Department "leadership," Ben Rhodes, a top adviser to Obama on national security, reassures the group that all concerns would get a hearing. "We need to resolve this in a way that respects all of the relevant equities, particularly the investigation," he wrote. Rhodes worried about "wrong information" coming from briefings provided to Congress and argued "we need to have the capability to correct the record, as there are significant policy and messaging ramifications that would flow from a hardened misimpression."

Rhodes doesn't specify the "wrong information" that concerns him or what "messaging" problems the president might face. But in the days preceding the email members of both parties had begun to challenge administration claims that the attacks were the result of a mob gone wild. Carl Levin, Michigan Democrat and chairman of the Senate Armed Services Committee, had told reporters that the government had "evidence" the attacks were "pre-planned." Adam Smith, a Democrat on the House Armed Services Committee, said the same thing. Following an intelligence committee briefing, Mike Rogers, a Republican from Michigan, said: "This was a coordinated attack, more of a commando-style event."

Rhodes ends his email by advising

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KEVIN LAMARQUE / REUTERS / LANDOV

recipients that the issues would be addressed during a Deputies Committee meeting the following day, one of several times the decisionmaking process appears to have gone offline.

That same evening, Jake Sullivan, the deputy chief of staff and director of policy planning at the State Department, emails Victoria Nuland, the department spokesman, to inform her of conversations he's had with Tommy Vietor, spokesman for the National Security Council at the White House. "I spoke with Tommy," he wrote at 9:25 P.M., September 14. "We'll work through this in the morning and get comments back." In another, seven minutes later: "Talked to Tommy. We can make edits." Another round of substantive edits took place during or after the Deputies Committee meeting the following morning.

Such exchanges between a top official at State and his counterpart at the White House belie claims from Carney and others that substantive revisions to the talking points came only from the intelligence community.

So, too, does an email from CIA director David Petraeus to Chip Walter, on the legislative affairs staff at the agency, after Petraeus was provided a final draft of the talking points that had been through the interagency scrubbing. "No mention of the Cairo cable, either?" he wrote. "Frankly, I'd just as soon not use this, then." Petraeus's use of the word "either," suggests he disliked not just the omission of Cairo but the removal of something else as well.

The Cairo reference is important for another reason. It is the first step on a long, circuitous journey to understanding why the CIA initially reported that the Benghazi attacks had been "spontaneously inspired by the protests at the US Embassy in Cairo" and how the Obama administration came to depend on that phrase in selling its narrative about a YouTube video.

There was an intercepted communication between two al Qaeda-linked terrorists, one of whom participated in the Benghazi attack. According to sources familiar with the communication, a jihadist in Libya, believed to be a member of Ansar al Sharia (AAS),

reported to a more senior operative about his participation in the Benghazi attack. The AAS member mentioned having seen the Cairo protests earlier in the day before joining the attack on the diplomatic facility in Benghazi. (There is disagreement among analysts whether the jihadist joined the Benghazi attacks *because* he had seen the protests in Cairo or simply *after* he had seen them.)

The intelligence community knew about the communication within 24 hours of the Benghazi attack. It would serve as the basis for two claims in the initial draft of the CIA talking points—"spontaneously inspired" and "Islamic extremists with ties to al Qaeda." The

The agency's attempts at CYA had given Obama officials an opening, and they quickly took it. On these thin strands, the Obama administration built its explanation for Benghazi.

"spontaneous" language, which would prove dubious, survived the scrubbing process and was in the final talking points. The "ties to al Qaeda" language, which would prove true, was stricken.

That connection to Cairo, however tenuous, initially suited the purposes of both the CIA and the Obama administration. The CIA had warned about the possibility of protests in Cairo. An early version of the talking points included this bullet point: "On 10 September we warned of social media reports calling for a demonstration in front of the Embassy Cairo and that jihadists were threatening to break into the Embassy."

You can see the bureaucratic logic. It was all about avoiding blame: *We didn't specifically warn about attacks on 9/11/12 in Benghazi, but we warned about possible attacks at an embassy in the region.* And by definition a spontaneous attack could not have been prevented.

The Cairo cable did not survive the interagency editing process. But the claim that Benghazi had been "spontaneously inspired" by the protests in

Cairo would prove very useful for the Obama administration.

Jihadists did, in fact, demonstrate outside the U.S. embassy in Cairo on September 11, 2012. It took no great skill to predict this, as they had announced their intention to do so on Facebook in the days before the eleventh anniversary of the 9/11 attacks. As Thomas Joscelyn has reported, Mohammed al Zawahiri, the brother of al Qaeda leader Ayman al Zawahiri, helped plan the protest. Numerous well-known al Qaeda sympathizers were involved. They raised a black al Qaeda flag in place of the American flag and chanted, "Obama, Obama, we are all Osama." An obscure YouTube video mocking the Prophet Muhammad that had aired on Egyptian television days earlier was the pretext for the demonstration. It was, in the words of one U.S. intelligence official, "a classic information operation."

And it worked. The agency's attempts at CYA had given Obama officials an opening, and they quickly took it. On these thin strands, the Obama administration built its explanation for Benghazi. There had been a demonstration in Cairo. The leaders of that protest used a YouTube video to incite a mob. A Benghazi attacker had seen the Cairo protest. He later participated in the attack in Benghazi.

A quadruple bank shot. And yet within days this previously obscure film became a central component of the Obama administration's messaging on the Benghazi attacks. The Obama administration moved quickly to elevate the importance of the video. An attack that evolved from what the president would call "natural protests" by a mob over a video was a much better fit with the president's claim that "al Qaeda is on a path to defeat" than assaults planned by al Qaeda-linked jihadists on multiple U.S. diplomatic facilities on the eleventh anniversary of 9/11.

Hillary Clinton mentioned it in her remarks at the ceremony to receive the caskets of the four dead Americans on September 14, regretting the violence "over an awful Internet video we had nothing to do with." According

to Charles Woods, the father of one of the officials killed in the attack, former Navy SEAL Tyrone Woods, Clinton told him at the same ceremony that the U.S. government would make sure the filmmaker was “arrested and prosecuted.” Pat Smith, the mother of communications specialist Sean Smith, reported that Clinton told her the same thing, “nose to nose.”

Susan Rice, the U.S. ambassador to the U.N., spoke for the administration on multiple television talk shows on Sunday, September 16, delivering variations on the theme that Benghazi was “a violent protest that was undertaken in reaction to this very offensive video,” as she told Jake Tapper, then at ABC. “Our understanding and our belief based on the information we have is it was the video that caused the unrest in Cairo, and the video and the unrest in Cairo . . . that precipitated some of the unrest in Benghazi and elsewhere,” said Jay Carney on September 18.

Asked about Benghazi on September 20, President Obama referred to “natural protests that arose because of the outrage over the video [and] were used as an excuse by extremists to see if they can also directly harm U.S. interests.” It was one of several times he would cite the video.

Despite the centrality of the YouTube video to the administration’s public discussion of Benghazi, it goes virtually unmentioned in the nearly 100 pages of emails between the nation’s top intelligence and Obama administration officials as they reshaped the talking points provided by the CIA. The film trailer is included as part of a list on the first page of the documents and again at the very end, in the subject line about a meeting of high-ranking officials on Saturday morning: “SVTS [Secure Video Teleconferencing System] on Movie Protests/Violence.”

As the top U.S. officials discussed what to include in the talking points that would shape their case to the country on the attacks in Benghazi, the video was absent. Whose idea was it to make it the centerpiece? The Obama administration still has a lot of explaining to do. ♦

Gosnell Seeps into the News

The abortionist the media wanted to ignore is convicted of murder. **BY NOEMIE EMERY**

By most accounts, Kermit Gosnell seemed stunned last week when a jury found him guilty of three counts of first-degree murder in what seemed to have been his routine killings of newborn babies at his abortion clinic in Philadelphia; he



Kermit Gosnell leaves the courthouse.

thought he was doing his job. Abortion is legal and is a much-touted right. The president recently lavished praise on Planned Parenthood, a lobbyist for which had testified to Florida legislators in March that an infant born alive in the course of an abortion might be left to die anyhow.

What Gosnell was doing was inches away from a legal procedure—the killing of viable babies in utero—which we’re told is not just a constitutional right but “medical care” essential to women. These perversions of terms suggest much that is wrong with the current state of affairs regarding abortion, which, as the *Wall Street Journal’s*

James Taranto has noted, “requires an assault on language and logic that surpasses belief.” The evasions that surround the extremes of the abortion rights movement tend to corrupt all that comes near them, leading not only a doctor to a well-earned conviction for murder, but otherwise responsible governors to believe that endangering women by suspending clinic inspections is the best way to help them, and much of the press corps to act as if the slanting or suppressing of stories in the service of the abortion-rights movement is the highest news calling of all.

“Abortion Bias Seeps into News,” ran the headline in the *Los Angeles Times* on July 1, 1990, as it described in detail how the press had come to serve as a de facto arm of the abortion rights movement. Most papers supported abortion rights in their editorials; 9 in 10 journalists supported abortion, and some turned up in abortion rights marches; the American Newspaper Guild endorsed “freedom of choice.” These views naturally affected the choices of which stories to cover, the framing of stories, and the words used to describe both the issues and people involved in the news. NBC’s Lisa Myers told David Shaw, the *L.A. Times* author, “Some of the stories I have read or seen have almost seemed like cheer-leading for the pro-choice side.”

Plus ça change, plus c’est la même chose, and 23 years after, the Gosnell trial remained a non-story for weeks in the mainstream media. The blackout lasted until April 11, when Democrat Kirsten Powers, shocked and stunned by the silence, used her column in *USA Today* (circulation 1.7 million) to launch a blood-and-guts

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salvo: “Infant beheadings. Severed baby feet in jars. A child screaming after it was delivered alive.”

This caught the eyes of Jeffrey Goldberg and Conor Friedersdorf, writing in *Bloomberg* and the *Atlantic*, and Friedersdorf’s post, “Why Dr. Kermit Gosnell’s Trial Should be a Front-Page Story,” included copious extracts from the grisly report of the grand jury. “Why Is the Press Ignoring the Kermit Gosnell Story?” Goldberg asked, and then answered: because “this story . . . upsets a particular narrative about the reality of certain types of abortion, and that reality isn’t something some pro-choice absolutists want to discuss.” He was soon backed up by Melinda Henneberger and other centrists who entered the fray: “I say we didn’t write more because the only abortion story most news outlets ever cover in the news pages is every single threat or perceived threat to abortion rights,” Henneberger wrote in her *Washington Post* blog, *She the People*. “In fact, that is so fixed a view of what constitutes coverage . . . that it’s genuinely hard, I think, for many journalists to see anything outside that paradigm as news.” And indeed, the first sizeable story on the Gosnell trial to run in the *Washington Post* was on page four of the paper, directly under the jump from page one of a much larger story—about the threat to abortion rights from clinic regulations proposed by Virginia state senators.

Once the story broke out, there was a fight to define it, which the left fought on curious ground. “The most interesting response so far has come from voices on the uncompromisingly pro-choice left,” wrote the *New York Times* columnist Ross Douthat. Namely, Gosnell illustrated the failure to provide cheap and easy abortions, and not “the inherent horror of the procedure itself.”

Where the pro-choice moderates called for more regulations, and said life had been cheapened by right-to-choose slogans, the extremists said the problem occurred because there was too much regulation already and that life hadn’t been cheapened enough. *Slate* magazine’s Matthew Yglesias urged a “free market” in late-term

abortions, in which brisk competition would improve conditions, lessen costs, and drive down Gosnell’s market share. Kate Michelman and Carol E. Tracy said Gosnell’s crimes resulted from “Medicaid’s refusal to cover abortions; the scarcity of providers in Pennsylvania; fear of violent protesters; and a right-wing culture that has stigmatized abortion,” making what “should be a completely safe and common medical procedure” much too expensive and rare.

Clearly, the ideal to the pro-choice left is a whole lot of clean, cozy clinics scattered over the countryside, with no restrictions whatever, terminations on order until the very last moment, all

To the left, wrote *New York Times* columnist Ross Douthat, Gosnell illustrated the failure to provide cheap and easy abortions, and not ‘the inherent horror of the procedure itself.’

of them paid for by government and funded by taxpayers. But this sunny ideal tends to be a nonstarter, because most Americans detest late-term abortions, don’t want to pay for the ones they will tolerate, and see Gosnell as a Frankenstein’s monster enabled by the abortion-rights movement itself.

“There’s no mystery about where Gosnell could have gotten the idea that his youngest victims weren’t human,” Henneberger said, citing Planned Parenthood, and even Obama, who opposed protection of infants born alive during abortions as a state senator in Illinois. Gosnell was allowed to go on all those years because Pennsylvania’s pro-choice governors, Republican Tom Ridge and Democrat Ed Rendell, thought inspections might “restrict access” to clinics, the worst of all feminist sins. Other clinics and doctors knew Gosnell’s reputation, and referred patients to him. In 2009, a representative of the National Abortion Federation came to his office and was appalled by it, but filed no formal

complaint. Another barrier to this dream of sweet, sunny, subsidized late-term abortion mills is the procedure they deal in, which by definition is ugly and violent. Sensitive doctors are not drawn to it. No killer of infants is likely to care much for women. Gosnell’s indifference to his clients’ well-being is one with the coolness with which he snipped babies’ spines.

We won’t no for awhile how much the Gosnell trial has changed things, but for now, the press has been outed as hopelessly biased; the left has been outed as borderline crazy. Fractures have emerged within the pro-choice coalition, shown by the speed with which Gosnell caused those in the center (supportive of the right to first-trimester abortions, but hedged with restrictions and guilt) to break free from the fringes (all trimesters, no restrictions, and no guilt at all). Planned Parenthood’s statement regarding the verdict—that Gosnell would no longer be able to prey upon women—had nothing to say of the scores of dead infants, which apparently mattered no more to them than they did to their killer. This makes Planned Parenthood an outlier on the great moral spectrum, with values most people abhor.

Finally, pro-choice extremists will need a new mantra; their “women’s health” gambit was exposed as a fraud. “Women’s health” has been sacrificed, over and over to the more important matter of uncontrolled access to late-term abortions and always to fetal demise. “We have to question why an evaluator from the National Abortion Federation, whose stated mission is to ensure safe, legal, and acceptable abortion care, and to promote health and justice for women, did not report [him] to authorities,” said the grand jury. “If what she observed . . . was so far outside the norm,” Melinda Henneberger wondered, “why didn’t it inspire a single phone call to the state?” Said Kirsten Powers, “I find the claim now that feminists were deeply upset about poor minority women being abused and killed along with their babies a little tough to believe.” So do a great many. Did Gosnell change the way we look at abortion? We’ll see. ♦

Pipeline Politics

Is Putin running out of gas?

BY ALEX ALEXIEV & STEVEN F. HAYWARD

The Cold War is now so over that it might as well be grouped with the ancient ice ages, but there is one echo rolling across Europe from East to West: the Russian attempt to dominate the natural gas market on the European continent. As the energy sector accounts for 25 percent of Russia's economy, any large changes in energy markets present major challenges for Vladimir Putin. Those old enough to recall the Soviet gas pipeline controversy of the early 1980s—a high-profile fight of the Reagan administration to deprive Moscow of hard currency—are right to have a feeling of déjà vu, as Putin's motives transcend honest commerce.

Despite huge gas reserves waiting to be tapped, most of Europe lags the United States in the shale gas boom for several reasons: a lack of mineral rights on private land, bureaucratic obstacles, the usual intransigent opposition from Europe's potent green lobby, and, perhaps most important, the lack of adequate pipelines to connect new gas fields to the market. Hence, natural gas prices in Europe are several times higher than U.S. prices. Since natural gas and oil are Russia's principal export commodities, the prospect of newly abundant oil and cheaper gas outside of Russia is a grave threat to Russia's economic and political might in the region. Russia can't do much about global oil trends, but Putin and the state-controlled Gazprom are doing everything they can to throttle new gas development in Eastern

Europe, rerunning the same kind of behind-the-scenes propaganda against shale gas that the KGB ran against new NATO missiles back in the Cold War. Propagandists in Russia are promoting every translation possible for the message *fracking=bad*. The second prong

company under his direct control. In short order, he made his protégé and current prime minister, Dmitry Medvedev, chairman of Gazprom's board and appointed another protégé, Alexey Miller, as CEO. According to a book by two prominent former Russian politicians, 11 of the 18 executive positions in Gazprom were quickly filled with Putin cronies. He then moved to make the company a "national champion," giving it an exclusive license for the export of the country's gigantic gas wealth. It is widely believed that Putin makes all of the key Gazprom decisions himself.



of Putin's strategy is to control pipeline development as far as possible. But things are not going well for him.

Gazprom is the linchpin of Putin's political and economic strength. The state-controlled natural gas conglomerate is a huge source of revenues for the Russian budget, but also a slush fund for Putin's clan—the corrupt network of power-political and economic relationships that rules Russia today. Immediately after coming to power in 2000, Putin moved to put the

Putin's energy cronyism is vertically integrated, as he ensures that infrastructure projects such as pipeline construction go to his friends' firms at lucrative prices. Gazprom pipelines typically cost two to three times more than those built by Western companies, despite the much lower wages paid to Russian labor. While the German portion of the Nord Stream pipeline, for instance, cost \$2.8 million per kilometer, the Russian portion built by one of

GARY LOCKE

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Putin's handpicked companies cost \$6.5 million/km. This is one reason Putin likes pipelines, even if he can't guarantee they will be fully utilized.

Sitting on 18 percent of the world's current proven gas reserves (a percentage that shrinks with each new discovery elsewhere), Gazprom became one of the largest companies in the world. At the 2008 peak of the bubble in oil prices, to which Russian gas prices were indexed, Gazprom's hubris overflowed. With a market valuation of \$365 billion at the time, Alexey Miller confidently predicted that his company would become the largest in the world, with a market cap of up to \$1 trillion by 2015, and that it would dominate the huge Chinese market as well as 10 percent of the American market with shipments of liquefied natural gas (LNG). Gazprom's optimists thought it could command 30 percent of the world market.

Only five years later, this radiant vision of Gazprom's future is just a mirage. Its market cap is \$90 billion, neither China nor the United States is buying any of its gas, and its share of the world market has fallen under 20 percent. Moreover, the company is losing market share in its key European market, which accounts for nearly 80 percent of its export revenues. Last year, exports to Europe fell 7 percent to 138 billion cubic meters (bcm), but profits plummeted 23 percent because the company was forced to cut prices to major clients, often retroactively, after losing arbitration court judgments.

If Gazprom's present is less than cheerful, its future looks worse. Company officials have maintained for years that they'll be supplying 359 bcm of gas to Europe in 2020. Yet existing contracts for supplies in the period 2020-2025 call for only 158 bcm, and there are reputable analysts who doubt Gazprom will deliver even that much. Political problems loom: In 2011, the European Commission antitrust office raided 20 Gazprom offices in Europe, and last September it opened an investigation against the company for price fixing and other monopolistic practices. Informed observers believe that Gazprom will eventually have to pay

billions in fines and may be forced to cut prices drastically.

Two other threats to Gazprom's fortunes must also be mentioned. For years Gazprom and Kremlin propaganda have done their level best to scare the Europeans away from shale gas exploration. Alternatively dismissing it as a Hollywood invention or conjuring up an ecological apocalypse, the Kremlin seemingly believed that it can wish this threat away, despite evidence of the massive impact of the shale gas revolution in America. Early on, things seemed to go their way, with France and Bulgaria imposing a moratorium on shale gas exploration. No longer. With Great Britain now allowing fracking and Germany's government submitting a draft law to do the same, the genie is out of the bottle. It's only a matter of time before European countries begin exploiting their domestic shale gas fields, posing yet another challenge to the Russian monopolist.

What accounts for this dramatic turn for the worse in Gazprom's prospects in just a few years? The short answer is that Gazprom is not and has never been a genuine commercial company interested in creating value for its shareholders. But neither is it a real state company. The prominent Russian expert Mikhail Krutikhin, from the independent energy consultancy Russenergy, has put it succinctly: "Gazprom is not a state company because the interests of the national economy are completely alien to its leadership. It is an instrument for a limited circle of people to receive profits." Thus, a look at Gazprom's policies may give us real insight not only into the arcana of Russian energy policies, but into the much larger subject of what makes the Kremlin's boss tick.

Vladimir Putin may have dreamed of becoming the J.R. Ewing of Europe, but his recent moves are more in the mold of the hapless Cliff Barnes. His signature initiative at the moment is the proposed South Stream pipeline, which would run under the Black Sea and through Bulgaria to points west.

Putin was hoping Gazprom could retain monopoly control of the pipeline, but because it runs through European Union territory, it is subject to the EU's market regulations (known as the "Third Energy Package"), which require that all pipelines be available for use by competing suppliers and overseen by an independent EU regulator. These conditions are unacceptable to Putin and make it unlikely that South Stream will be built.

South Stream seems to have been Putin's personal project from the beginning. Touting it ceaselessly at international forums, twisting Eastern European arms as needed to sign on, claiming that it was exempt from European law, and staging bogus construction inauguration celebrations, Putin invested a tremendous amount of effort and prestige to make sure the project went forward. Its apparent demise is a bitter personal defeat, apart from wreaking havoc with his plans to use gas as a strategic instrument for securing Moscow's political and economic desiderata in Europe.

That strategy envisaged South Stream as achieving two key political objectives. In bypassing Ukraine, heretofore the key transit country for Russian gas to Europe, it would provide the Kremlin with a powerful weapon for continued economic and political blackmail of Kiev. And, just as important, it would preempt the realization of the competing Nabucco pipeline project, designed to bring non-Russian gas from the Middle East and Central Asia into Europe. The Nabucco pipeline will run to Europe either by way of Greece and Albania into southern Italy, or through Bulgaria, Romania, and Hungary to a hub at Baumgarten, Austria. A decision on the final route is expected in June. The defeat of South Stream holds dire implications for Russia's standing as the indispensable gas supplier to Europe and for the political fortunes of Putin.

Putin's emphasis on new Russian-controlled pipelines makes little economic sense given that Gazprom's current pipeline capacity to Europe is twice as high as the market will bear. The story of the Nord Stream pipeline,

which runs under the Baltic to deliver gas directly to Germany while bypassing Poland and Ukraine, is another good example. From the beginning Poland decried Gazprom's political motive in the Nord Stream route, calling it the "Molotov-Ribbentrop" pipeline. Fortunately for the Poles, Putin appears to have miscalculated. The twin-pipe Nord Stream came online in late 2011 and has 55 bcm capacity, but Gazprom has been able to utilize only a third of its capacity and is bleeding red ink. Moreover, the overland continuation of Nord Stream in Germany, called OPAL, brought the entire pipeline under the EU's regulatory authority, despite Kremlin protestations, which means that it is no longer controlled by Russia. Half of its capacity is reserved for Gazprom competitors. Like Ukraine, which cut its Russian gas imports by 27 percent last year, Poland has embarked on a determined effort toward energy self-sufficiency. It is actively drilling for shale gas, building an LNG terminal at Swinoujscie on the Baltic Sea, and already importing 10 percent of its gas needs from Germany. Undoubtedly aware of this trend, Gazprom recently gave Poland a 20 percent price cut, retroactive to 2011.

Putin's grand scheme of strong-arming Ukraine, Poland, and others and making Europe ever more dependent on Russian gas has not only failed but seriously endangers the gas monopoly's very existence. Well-known experts such as Mikhail Korchemkin, head of East European Gas Analysis, believe that Gazprom has only a few years before bankruptcy. With Russia's future oil exports looking soft—the Russian Academy of Sciences' Energy Research Institute in early April forecast that oil exports could drop by 20 percent over the next 30 years—weakness in gas exports will deliver a double-whammy to Putin's power base. The financial flop of the Soviet gas pipeline in the 1980s contributed significantly to the eventual collapse of the evil empire a few years later; the prospective collapse of Putin's energy strategy may similarly hasten the demise of his evil empire lite. ♦

Declining Deficits

Economic growth is the imperative, not budget cuts. **BY IRWIN M. STELZER**

The burgeoning deficit has stopped burgeoning, at least for now. So Republican plans to attack the profligate president and to use the debt ceiling as a weapon to get more spending cuts can be shelved. Conservative deficit hawks should turn to a more immediate and important task—devising policies that will help the economy to grow at a rate that ends middle-class malaise and gets the millions who are out of work back into the workforce.

The Congressional Budget Office, which only some 90 days ago forecast the deficit this fiscal year would hit \$845 billion, has decided that \$642 billion is the more likely total. Better still, the deficit is projected to be about 4 percent of GDP this year, down from 7 percent in the previous fiscal year, and reasonably close to a level that can be sustained if the economy grows as it should.

The lower-than-expected deficit comes partly from taxpayers having pushed dividend, capital gains, and other income they normally would receive in 2013 into 2012, to benefit from the Bush tax-cut rates that were due to expire. Taxes on that 2012 income are now flowing to the Treasury for a onetime gain. The other reason for the lower forecast is that the CBO now expects health care costs for the next few years to be lower than it had anticipated a few months ago. But, short on chagrin or embarrassment, it still says

entitlement spending will consume half the budget by 2023.

There are important lessons here for Republicans whose new dinner and golfing partner is attempting to lure them into some grand bargain by which they give him higher taxes now, and he agrees to reduce entitlements after he has left office. It sails under the banner of tax reform.

Lesson One: Beware of forecasts, especially about the future. Mitt Romney based his campaign on forecasts that the economy would weaken and unemployment rise, and faced the monthly humiliation of reports about tens and hundreds of thousands of new jobs

being created. Deficit forecasts are even more problematic: They are forecasts of a rather small difference between two very large numbers. A few percentage points' revenue gain can produce a large swing in the deficit. Think about it this way. Assume you plan to spend \$110, have income of only \$100, and so face a deficit of 10 percent. Pick up a mere \$2 (or 2 percent) in extra income, and the deficit falls from \$10 to \$8, a drop of 20 percent.

Lesson Two: Be wary of policies that promise pain now for gain at some future date. John Maynard Keynes, not a conservative but an economist with much to teach us, summed up the unwisdom of antagonizing the electorate by calling for entitlement cuts now to avoid a fiscal meltdown perhaps a decade hence: "It can seldom be right . . . to sacrifice a present benefit for a doubtful advantage in the future." This is not "in the long run we are all dead" but a sensible statement of the need to weigh probabilities and to discount



Keynes: Heed him.

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PA PHOTOS / LANDOV

future gains: A hot fudge sundae now is worth more than a hot fudge sundae one year from now, especially if the promise of future delivery is as “iron-clad” as most made in Washington.

Lesson Three: Beware the word *reform*, as in immigration reform and tax reform. Tax reform is the issue that now sets conservatives’ pulses racing. Because the deficit is a less compelling issue now that it is declining, and the battle over the debt ceiling has been postponed because it probably won’t be hit until October or November, and because House speaker John Boehner would very much like to avoid a show-down, with its charges of “default” and “government shutdown,” all Republican eyes have turned to tax reform. Not a bad thing, if they develop positions consistent with conservative principles.

They should, for instance, be certain that reforms labeled “revenue neutral” are not mislabeled. Barack Obama is no Ronald Reagan, Nancy Pelosi is no Richard Gephardt, and Harry Reid is no Bill Bradley. The odds that the Obama team will come up with reforms that don’t raise total taxes are just about zero, even if the increase isn’t discovered until after some bill running thousands of pages becomes law (cf. Obamacare).

Republicans should also take care that even if revenue neutrality is built into any reforms, those reforms don’t violate two important conservative principles: that civil society, which stands as an alternative to and buffer against bigger government should be preserved, and that home ownership is an important source of social stability.

The president made clear in his address to the graduates of Ohio State University that he has little use for the institutions of civil society, that he believes that government can provide all of the services that Americans might require, including some they don’t yet know they need. Which is one reason that he and what are now called “progressives” would “reform” down the charitable deduction. Never mind that the charitable deduction increases the willingness and ability of Americans to support some of the greatest universities and art

institutions in the world, to donate to their churches and synagogues, to the fight against disease, and to a host of other good causes. Limits to deductibility of charitable contributions are, in essence, a tax on civil society.

Charitable institutions provide alternatives to government institutions: Some provide direct relief from want, others enrich the culture, still others provide alternatives to government and government-friendly sources of information and scholarship. It is unsurprising that Obama and some of his constituent groups see these institutions and organizations as threats—charter schools frighten the trade union-government monopoly hold on education; think tanks produce critiques of government policies, some valid; churches provide alternatives to official morality on issues such as abortion and an alternative to the government welfare bureaucracy.

Then there is the mortgage-interest deduction. Tax reformers have the deduction of mortgage payments of less than the current limit of \$1.1 million in their sights. Whether that limit is too generous is an open question, as is whether it should be restricted to only one home rather than being a limit on the total deductions for two. But what is not an open question is that reducing mortgage deductibility will make home ownership less attractive.

Yes, such a move would increase labor-force mobility as workers, who would be renters, find it easier to move to where the jobs are, and an artificial inducement to excessive investment in housing would be removed. But conservatives can nevertheless feel comfortable opposing the removal or even a reduction in the mortgage deduction since the deduction supports two conservative goals: It gives more people a stake in a stable society, and an incentive to maintain the housing stock in good order. As Larry Summers reminded us, no one washes a rented car.

Moreover, studies suggest that home ownership is associated (with varying degrees of statistical robustness) with lower crime rates, more active parent participation in community

organizations, cleaner streets and parks, lower rates of school dropout and teenage pregnancy, and a host of other social advantages that are not fully reflected in the price of homes. They are, in economists’ jargon, externalities, justifying subsidies to encourage home ownership. Conversely, there are social costs to reducing the incentive to own a home: Is society better or worse off if a poor family receives a subsidy—which is what the mortgage deduction is—that enables it to get its kids out of some horrible neighborhood and into better surroundings?

Lesson Four: A presumption in favor of lower taxes should be just that—a presumption to be tested against the specific tax proposal being made. So before joining the chorus of those singing the praises of a cut in the corporate tax rate from 35 percent to, perhaps, 25 percent, it might be well to consider two things. First, very few companies actually pay the 35 percent rate. GE paid federal, state, local and foreign taxes equal to about 17.9 percent of its earnings over the past five years, FedEx 20.1 percent, Amazon 6.6 percent, and Ford 4.2 percent, according to S&P Capital IQ. This rather dilutes the force of the argument that this particular cut would increase the competitiveness of U.S. companies.

Second, these tax cuts would have to be paid for by some increases in order to be revenue neutral, even given dynamic scoring. And poised in the wings to argue for the offsetting increases are Democrats with redistributionist urges. Yes, reducing corporate tax rates might stimulate growth, but the nexus between the cuts and that growth should be clearer before establishing the need to find offsetting increases.

Enough of warnings. On to the main chore: finding policies that stimulate growth, and growth that will affect the lives of more than the much-derided 1 percent. Several such leap to mind, but that is for another day, after we hear from those who are relieved of the necessity of devoting their time to tackling a budget deficit that is shrinking, and entitlement spending that might, some day, perhaps need tackling. ♦

The Arrival of Human Cloning

It's here. Don't get used to it.

BY WESLEY J. SMITH

Human cloning is finally here, and it is going to spark a political conflagration. First, some background.

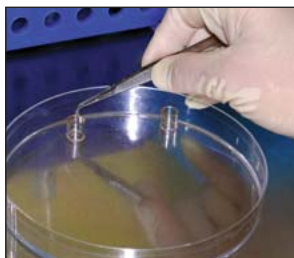
The cloning era began when Dolly the sheep was manufactured in 1996. Dolly was cloned via somatic cell nuclear transfer (SCNT). This is accomplished by removing the nucleus from a skin or other cell (in Dolly's case, a mammary gland cell, hence her naming after Dolly Parton). That nucleus is then inserted into an egg whose nucleus has been removed. The engineered egg is stimulated, and if the cloning works, an embryo comes into being through asexual reproduction. Once that happens, the cloning is complete.

If the cloned embryo is implanted in a mother—often called “reproductive cloning”—and all goes well, it develops like a natural embryo through the fetal stage to birth. Hello Dolly.

Many mammals are now routinely cloned—mice, pigs, cattle, to name a few. Monkeys proved a difficult species to create via SCNT until a few years ago, and even now scientists have not succeeded in bringing a cloned monkey to birth.

Human cloning has been even more technically challenging. But an international group of scientists announced

in the June 6 *Cell*—a prominent, peer-reviewed scientific journal—that they created scores of cloned human embryos, developing four of them in a dish for about 10 days to the blastocyst stage (about 150-200 cells). This is the stage at which embryos created in vitro are usually implanted if they are to be gestated to birth. However, that was not the purpose of the recent experiments.



Here we go.

Instead, the cloned embryos were destroyed and embryonic stem cell lines created—a process sometimes called “therapeutic cloning.” While these scientists have no interest in reproductive cloning, if a cloned baby is ever born, their experiments will have been a big step toward

making it possible.

The successful cloning of human beings—whether for research or birth—is momentous: Even if the technique is used only in pursuit of biological knowledge and medical treatments, those will come at the very high ethical price of manufacturing human life for the purpose of harvesting it like a corn crop—that is, for the purpose of destroying it.

Cloning, moreover, is essential to foreseeable endeavors such as the genetic engineering of embryos, the creation of human/animal chimeras, the gestation of cloned fetuses in artificial wombs as a means of obtaining patient-compatible organs, and eventually the birth of cloned babies. With the struggle over whether and to what extent the technology should be regulated still unresolved, we can expect fiery contention going

forward over matters like the following:

The legal status of human cloning. Competing bills are likely to be introduced in Congress and state legislatures, as they have been in the past, to outlaw human cloning. The devil will be in the definitions.

In particular, cloning opponents should beware phony bans that pretend to outlaw cloning but actually legalize the SCNT process using human DNA. This sleight-of-hand has been tried before. In 2007, Senators Dianne Feinstein (D-Calif.) and Orrin Hatch (R-Utah) coauthored the Human Cloning Ban and Stem Cell Protection Bill, which not only would *not* have banned human cloning, it would have *legalized* it by codifying an inaccurate definition: “The term ‘human cloning’ means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.”

But cloning is the asexual creation of the cloned embryo, regardless of whether it is implanted. A real ban would make it illegal to use human cells and nuclei in SCNT.

Public funding. President George W. Bush triggered intense debate by placing minor restrictions on the funding of embryonic stem cell research by the National Institutes of Health. Despite the false claim that Bush had banned embryonic stem cell research, he actually funded it to the tune of hundreds of millions of dollars.

In contrast, the federal government is already prohibited by law from financing human cloning. Under the Dickey-Wicker Amendment, federal funds may not be used to create embryos for use in research or to support research that harms or destroys embryos. President Obama circumvents Dickey-Wicker by sophistry: Private money pays for the destruction of the embryos, then federal funds support research on the resulting stem cell lines.

That workaround isn't available when the point is precisely the creation of embryos for research. These will not be “leftover embryos” from in vitro fertilization—the current funding requirement. Moreover, the Dickey-Wicker

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Amendment is not a permanent federal statute. Rather, like the Hyde Amendment prohibiting Medicaid funding of abortion, it must be passed each year as part of the budgetary process. Now that human cloning has arrived, look for its proponents to oppose reauthorizing Dickey-Wicker, even as opponents mount an effort to make the amendment permanent.

Exploitation of women. SCNT requires one egg for each attempt at cloning, but human eggs for use in research are in short supply. So the biotech industry is seeking legal authorization to pay women for their eggs. The harvesting of eggs, however, can harm the supplier. The potential side effects include infection, loss of fertility, stroke, and in rare cases death.

The recent *Cell* paper paid a great deal of attention to the egg issue. Apparently, not just any eggs can be used if cloning is to be successful. “SCNT reprogramming is dependent on human oocyte [egg] quality,” the authors write. Indeed, most of the eggs the researchers used provided poor embryos, but the four highest-quality cloned embryos—those from which embryonic stem cells were derived—all grew from eggs supplied by the same donor. This, the paper says, “warrants further studies . . . to elucidate the genetic and clinical parameters associated with optimal oocyte quality for human SCNT.”

Yikes. Not only will cloning encourage treating women’s reproductive assets as marketable commodities, but a concentrated search may soon be on for women who can produce prime cloning-quality eggs—furthering the objectification of female biological functions. Expect an additional political conflagration over legal efforts to protect women from being exploited by the biotechnology industry.

The fact that human beings can be cloned is a scientific triumph, but it is also an ethical earthquake. Because these experiments offer the potential to advance scientific knowledge, they will tempt us—always for “the best” reasons—to set aside our convictions about the intrinsic dignity of all human life. ♦

The Next Scott Brown?

Gabriel Gomez, Massachusetts Republican.

BY MICHAEL WARREN

Gabriel Gomez is an ambitious guy. In January, with Massachusetts senator John Kerry all but certain to be confirmed as secretary of state, the 47-year-old Gomez wrote a letter to Governor Deval Pat-



Gabriel Gomez

rick. Between Kerry’s resignation and the special election to fill his seat in the Senate, Patrick, a Democrat, would need to nominate a temporary replacement. Though a lifelong Republican, Gomez tried to appeal to Patrick’s sense of bipartisanship and asked the governor to choose him.

“Appointing a moderate Republican would set a national example of sorely needed bipartisanship and would reinforce your growing national reputation for bold and thoughtful leadership,” Gomez wrote. He cited his years of military service, Latino heritage, and moderate views. He promised to “serve [his] time”

in the Senate, if appointed, and then “move along” and not get involved in the special election. He even promised to support President Obama on immigration and gun control.

It was a bold move, but it didn’t sway Patrick. Instead, he appointed his former chief of staff and fellow Democrat Mo Cowan to replace Kerry. Still, Gomez is used to aiming high and hitting his mark, which is likely why he’s now running for the Senate seat outright in the June 15 special election. The odds aren’t much better for a Republican to be voted into the Senate from Massachusetts than they are for one to be appointed by a Democratic governor. If past is prologue, however, Gomez’s ambition could pay off.

The son of Colombian immigrants who settled first in Los Angeles, Gomez grew up in what he calls a “typical middle-class lifestyle” in Washington state. He played sports—basketball, soccer, baseball—and, in his words, “excelled” in school, enough to earn an appointment to the Naval Academy. He excelled there, too, graduating with merit. He proceeded to flight school, got his wings, and became an aircraft carrier pilot. That’s a crowning achievement, as far as a military career goes.

But Gomez needed more. He wanted to join the Navy SEALs, the elite special operations force with arguably the most selective and rigorous military training program in the world. It was a risk for Gomez to take the plunge.

“The Navy told me if I didn’t make it through, I wouldn’t be able to go back and fly. I’d lose my pilot status,” Gomez says.

He did make it through and joined

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SEAL Team Four, becoming one of just two men in history to serve both as an aircraft carrier pilot and a SEAL. Gomez met his wife, Sarah, then a Peace Corps volunteer, while deployed in the West Indies and married her in 1996 after leaving the military. But he kept pushing himself, enrolling at Harvard for business school, which took him and his young family to the Boston area. After a short stint at Erskine Bowles's investment firm in Charlotte, Gomez has lived in Massachusetts with his wife and four kids since 2001.

Now, Gomez is taking on his toughest challenge yet: running in Massachusetts as a Republican. According to *Real Clear Politics*, he's trailing his Democratic opponent, 66-year-old House veteran Ed Markey, by just under 9 points. A recent internal poll suggested the margin was tighter, with Gomez only 3 points down.

Bay State Republicans are hoping for a replay of the last Senate special election, in early 2010, when their nominee Scott Brown shocked the political world by defeating Democrat Martha Coakley, a veteran of statewide politics who had been thought a shoo-in. Coakley wasn't a terrible candidate, but she ran a bad campaign, and Brown took advantage of the growing dissatisfaction with Barack Obama's health care legislation to ride an anti-establishment wave into the Senate.

Despite attempts in the media to label him as such, Gabriel Gomez isn't the next Scott Brown. Brown had served in local and state elected office for two decades before running for Senate and is a skilled and gifted politician, a charming populist whose moderate politics were competitive in heavily Democratic Massachusetts.

Gomez is a political novice, and it shows. In our interview, he repeatedly referred to Kentucky Republican Rand Paul as "Senator Rand." He can lean heavily on talking points (his go-to line on questions about immigration reform is, "I'm with Marco Rubio on this"). After winning the three-way Republican primary with 51 percent of the vote, he began his acceptance speech a little haltingly.

"Now Congress is full of politicians," Gomez said, his cadence not quite right. "And if you send another one down there, you're going to get the same result." There was a brief pause while Gomez looked down at his notes. It wasn't immediately clear to his supporters that this was an applause line, so they were slow to start clapping.

Gomez embraces his awkwardness. A minute later in his speech, he made his pitch, leaning in toward the microphone with a roguish grin. "If you're lookin' for an experienced, slick-talkin' politician, I'm definitely not your guy," he said.

That's self-deprecating, of course, but it's also a shot at Gomez's opponent. Markey is a 37-year veteran of the House, a liberal's liberal who has all the well-heeled, left-wing positions of Ted Kennedy with little of Kennedy's working-class appeal. (Last week, Markey disinvited his former House colleague Georgia Democrat Ben Jones from a D.C. fundraiser because of Jones's outspoken support of the Confederate flag. Jones, the actor who played "Cooter" on *The Dukes of Hazzard*, told the *Boston Globe* that it wasn't his old friend Markey but a staffer who actually made the call.)

Early in his congressional career, Markey was known as an antinuclear environmentalist. More recently, he's staked out territory in the realm of telecommunications regulatory policy, and, as the *Almanac of American Politics* states, he's "often inclined toward deregulation, though he can just as often be found siding with consumers." Regardless, some of his biggest donations come from the entertainment and telecom services industries. Gomez's goal is to cast Markey as a partisan insider who's spent too much time in Washington.

"Congressman Markey's been down there for 37 years, and he's left of the left," Gomez says. "He will just not be somebody who is going to represent all the people of Massachusetts and reach across the aisle and work with the other side."

Markey won big in the Democratic primary, but the bitter fight against his

fellow congressman, the more blue-collar Stephen Lynch, left some traditional Democrats feeling cold toward their nominee. The Gomez campaign is looking to peel off these voters by emphasizing his independence and his willingness to work with Democrats. It's a tactic that's worked well for the few Republicans who have won statewide in Massachusetts in recent years, Scott Brown and Mitt Romney chief among them. Gomez, who speaks Spanish, is also trying to find new supporters among Greater Boston's Hispanic community.

What Gomez may be missing, however, is a conservative issue or two around which he can rally his Republican supporters. In late 2009 and early 2010, Scott Brown argued he could be the vote to stop Obamacare in the Senate, and he criticized the Obama administration's response to the failed Christmas Day 2009 terrorist bombing attempt. Gomez, who crossed the finish line at the Boston Marathon just minutes before the bombs there exploded, told me he doesn't think Dzhokhar Tsarnaev should have been read his Miranda rights so quickly. Gomez supports the Senate immigration proposal and says he would vote for another gun background check amendment like the one that failed last month. He also says he opposes many of the economically damaging elements of Obamacare, though he's mixed on the idea of repeal.

"I guess ideally you could repeal it and start over because you have certain components obviously that people agree on," Gomez says. "Preexisting conditions is just one of them. But if you can't repeal it, you have to face the fact that we have to fix it and we have to address some of these issues like the medical device tax, among others. You can't leave it as is."

It's not quite a pledge to be the deciding vote against Obamacare, but then this is a state that just voted to reelect Obama and threw out Brown in favor of his Democratic challenger, Elizabeth Warren. With Gomez already within striking distance of Markey, maybe simply being the Massachusetts moderate will be enough. ♦

All Politics Isn't Local

But more of it should be.

BY JAY COST

The state of the union today is uneasy, at best. Washington is crippled by gridlock while Americans across the country feel alienated from their government, so much so that the president feels compelled to remind them that the government is “us.” But is it really so, in a meaningful sense? Sure, the people choose their lawmakers through elections, but does the government actually represent their interests? If it does, why does it fail to solve their problems? Why does it curry favor with narrow, well-heeled interest groups, who persuade Uncle Sam to supply patronage even as he is paralyzed on the big issues that matter to the rest of us?

In the face of these anxieties, Americans would do well to revisit an old principle, easily forgotten, often disparaged, but still inherent to our governmental structure: federalism.

Federalism has a strange and tortuous history in the American experiment in self-government. Alexander Hamilton and James Madison—the principal authors of the *Federalist Papers*—actually had little use for federalism in their first drafts of a new Constitution. Madison and his fellow delegates from the Old Dominion offered a plan to the Constitutional Convention that entitled Congress to legislate in all areas in which the states

were judged to be incompetent. It also gave the chief executive a veto over state laws. Hamilton’s proposal for the new government had an even less significant role for the states.

Their determined nationalism was in part a response to the disastrous experience of the 1780s, when omnipotent state governments had acted with



Wise guy: James Madison

gross irresponsibility, undermining the rights of minorities and threatening the common good for the sake of parochial interests. Madison believed that a strong national government would attract a better sort of politician than often seen at the state level, and that a well-constructed government for a nation as vast as the United States would ultimately give a multitude of factions within society an effective veto over public policy, ensuring that whatever the government did would not run contrary to private rights or the public interest.

It was only through a compromise between the small and large states that the Constitution established a system of “dual sovereignty” and a further compromise with skeptics of the new constitutional scheme (ironically dubbed the “Anti-Federalists”) that Congress adopted the 10th Amendment, which underlined the limited nature of the national government’s powers. But federalism was not wholly wrapped up in concerns about minority rights at the time of the national

founding. In fact, the staunchest anti-federal opposition came from Massachusetts, New York, and above all Virginia, large states that would naturally have a prominent role in the new government. Historians have suggested that the Anti-Federalists probably represented a *majority* of the nation at the time, and their skepticism of the national government was born out of fear that a privileged minority would eventually overwhelm the majority.

As it turned out, “federalism” became the rallying cry of anxious minorities from ratification forward. It was easy for minority leaders to start calling on the feds to back off *after* their side had lost in Congress. That is why the once-firmly nationalistic Madison would later pen the Virginia Resolution to try to stop Hamilton’s “High Federalists” from consolidating their grip over the national polity. Once the Virginia dynasty was inaugurated with Thomas Jefferson’s election, Madison’s worries about an overwhelming national power subsided. Predictably, concerns about minority rights then crept up in the previously nationalistic states of New England. The locus of High Federalism, the Northeast came to embrace federalism, limited government, and even (for some) secession as means to check the ambitions of the Jeffersonian coalition of Southern and Western farmers. Ultimately, the slave states adopted the extreme federalist principles of nullification and secession only after it became clear they would be outnumbered. In fact, the greatest antebellum champion of state sovereignty, John C. Calhoun of South Carolina, was a stalwart nationalist in his early days in Congress.

Given how quickly different factions flipped then flopped from nationalism to federalism depending on their own interests, it is unsurprising that federalism has gained a reputation as a phony posture. More often than not, its advocates were less interested in the balance of powers generally than in their own political fortunes. Nobody worked this hypocrisy better or longer than the Southern plantation elite, and federalism would become synonymous with Jim Crow for a half-century.

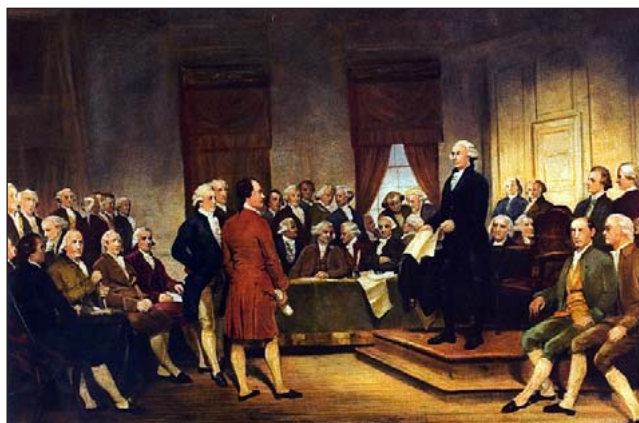
Jay Cost is a staff writer
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The amoral misuse of the federal principle is an unfortunate theme of our nation's history. If Madison was correct that the state governments had been too irresponsible to retain the power they once enjoyed, the skeptics of the Constitution made equally valid points about the danger of unchecked central authority. They worried that a national government would draw too heavily from elite quarters of society, leaving the majority of yeoman farmers an effective minority and degrading the republican character of the government. These worries are strikingly similar to the concerns people have nowadays. Indeed, reading the Anti-Federalists, one cannot help but wonder if they had a crystal ball that peered into the 21st century. At the least, their predictions of an ever-expanding federal state turned out to be more accurate than Madison's assurances that the Constitution would provide a due check on Washington's authority.

This is not to say that we should expect the states to be paragons of true republicanism; the 1780s demonstrate quite clearly that they are not inherently more virtuous than Washington. Nevertheless, their geographical, social, and economic proximity to the people at least holds the *potential* of a more responsive representative government. What's more, the triumph of the civil rights movement over the last half-century has dramatically reduced the dangers of anti-republicanism at the state level. The Constitution as ratified offered the decidedly ambiguous instruction that the states had to have a "republican" form of government. The Supreme Court has since mandated that state governments have a legal obligation to provide for universal suffrage regardless of race, sex, or property and obey most of the Bill of Rights, which was originally written to constrain only the national government.

The state governments also hold the promise of moving beyond grid-

lock. The Constitution would allow faction to fight faction, as Madison argued in *Federalist* 10 and 51, with the structure of government such that it would either translate the vast array of parochial desires into the public good or do nothing at all. But that was in 1787, when the electorate was confined to the original 13 states, entirely white, entirely male, mostly Anglo-Saxon, mostly Protestant, mostly property owners, and mostly yeoman farmers. A diversity of interests back



Gridlock was part of the plan.

then meant something quite different than it does today. Wave after wave of immigration, combined with the civil rights movement, women's suffrage, and geographical, religious, social, and economic diversification means that it is extremely difficult to identify what is well and truly in the "national interest." Is it any wonder that the national government seems paralyzed? After all, it was designed that way: So long as there was no identifiable national interest that could unite a broad, deep, and durable coalition, the national government would produce gridlock so as to keep a minority from having its rights or interests undermined by a fractious majority.

A revival of the federal principle is a sensible response to this civic malaise. The states have a valuable role to play, not merely as satellites of Washington, D.C., but as semi-sovereign entities that can solve problems the feds cannot. Just as state governments are closer to the people, they often represent citizens with a greater

commonality of interests, thus cutting down on the potential for crippling gridlock. It is one thing for the federal government in Washington to balance the interests of Kansas and California, quite another for Kansas and California to develop policy solutions that balance the interests within their own states. A 50-state panoply of varying solutions seems preferable to never-ending gridlock, so long as minority rights are protected (which, again, the Supreme Court now mandates).

None of this should imply an endorsement of the extreme Anti-Federalism of Patrick Henry or the pro-nullification position of Calhoun. The states are, and should remain, secondary to the federal government. The point is simply that there are obvious uses to be made of the state governments, uses that have been overlooked because of the bad—but now antiquated—reputation that federalism has of being

a tool for elites to keep the masses in an artificially inferior position. The original advocates of federalism thought it to be exactly the opposite.

The modern left, of course, will never embrace such an idea, having lashed itself to the mast of an all-powerful national government. But conservative reformers are not tied to such ideological preconceptions and should revisit federalism as a potential solution to our policy problems. Richard Nixon's New Federalism sought to return executive authority to the states, and the welfare reform of the 1990s did likewise, but since then the right's commitment to federated policy solutions has weakened. It is time to strengthen that commitment, and to make the case that there is more—much more—to federalism than the protection of minority rights. It is, rather, a vehicle by which popular majorities may gain greater control over their government, and a way around the seemingly intractable problem of national gridlock. ♦

Beyond the Pale

At 'white privilege' conferences, a lengthening list of victims issue an ever-more-detailed indictment of Western civilization

BY CHARLOTTE ALLEN

SeaTac, Wash.

The DoubleTree Hotel, a sprawling complex just a quick shuttle ride away from the Seattle-Tacoma International Airport, mostly hosts stranded passengers, pilots, and flight attendants whose shadowy silhouettes can be glimpsed at insomniac hours rolling their suitcases down the plushly carpeted hallways, and windbreaker-clad locals from nearby Puget Sound towns, for whom the hotel's sports bar and decent cheeseburgers are a draw during the Pacific Northwest's long, chilly rainy season. The SeaTac DoubleTree also, this year, hosted the Fourteenth Annual White Privilege Conference (WPC14) from April 10 through April 13.

White privilege—what's that? It was a question I was asked several times by the non-White Privilege hotel guests whom I encountered in the DoubleTree's elevators and stairwells, since I was required by conference rules to wear at all times my official badge, conspicuously hand-lettered and yellow-highlighted "PRESS" by me. I always answered the question as honestly as I could, drawing on the four days' worth of White Privilege keynote speeches and workshops I attended over a long, wet, April weekend near the airport. "It's where you learn that white people oppress everybody else," I said. This seemed fair enough. WPC14's own website declares that "the WPC has become a venue for fostering difficult and critical dialogues around white supremacy, white privilege, diversity, multicultural education and leadership,

social & economic justice, and the intersecting systems of privilege and oppression."

I should have said, "rich white people," however, because the theme of this year's White Privilege Conference was "The Color of Money: Reclaiming our Humanity"—with the cover of the conference program sporting a photo of the hundred-dollar bill's Ben Franklin peering anxiously from behind a superimposed padlock

and chain, and slideshows of such pallid plutocrats as Warren Buffett and Bill Gates flashing to the beat of the rap music that thrummed through every conference intermission. The idea was that white people, especially white people connected to corporations, were hogging all the money.

WPC drew only 175 attendees at its first session in 1999, on the campus of Cornell College in Mt. Vernon, Iowa, where the conference's founder, Eddie Moore Jr., had earned a bachelor's degree in political science in 1989 and was serving as an assistant dean while working on a doctorate in education from the University of Iowa (he received it in 2004). Moore is now director of diversity at the Brooklyn Friends School. A larger-than-life character (he's at least six-foot-eight and a former college basketball player), Moore physically and psychically dominated the conference. The typical garb for WPC14 attendees ranged from hippie (old folks) to hipster (young 'uns), with common elements of rubber soles on every shoe and green-conscious water bottles dangling from every backpack. The shaven-headed Moore sartorially carved out for himself an impressive hieratic distance

from his disheveled audience: meticulously tailored suits complemented with silk shirts, silk ties, and even socks in shimmering springtime colors. A gold elastic-band watch that looked like a Rolex gleamed on his wrist.

Back in 1999 the main focus of the White Privilege Conference had been on race. Recently, though, the categories of victims of white supremacy have grown to include such



Charlotte Allen, a frequent contributor to THE WEEKLY STANDARD, last wrote on the Southern Poverty Law Center.

THOMAS FLUHARTY

overwhelmingly white groups as feminists and the “LGBT community”—or “LGBTQ community,” “LGBTQQ community,” and “LGBTQQIA community”—all acronyms used by White Privilege participants at various times (the two “Q’s” stand for “queer” and “questioning,” the “I” for “intersex,” and the “A” for a conventionally heterosexual “ally” of all of the above). This year’s conference also offered yoga classes “especially welcoming to people of size, queer people, and others who might not feel comfortable in conventional yoga classes.” In addition, “gender-neutral” restrooms for those who “opt out of a gender binary system” (in the words of the WPC14 program) are a standard feature of every White Privilege Conference.

In 2007 the conference acquired the University of Colorado-Colorado Springs (UCCS) as a partner, and the university continues to cosponsor the WPC as it moves around from city to city and campus to campus. By this year at SeaTac, the number of White Privilege attendees had swollen to 2,000, a substantial increase over the 1,500 or so at WPC13 last year in Albuquerque, where the theme was “Intersectionality”—WPC-speak for two-fer oppression, as in the case of a black female or a gay Latino.

The bulging crowds at the SeaTac DoubleTree were a fire chief’s acid-reflux nightmare. By row-counting I calculated 1,500 chairs—all taken—in a ballroom whose wall proclaimed “Maximum Occupancy 505.” The smaller conference rooms that housed some 120 different workshops (a sample: “Talking Back to White Entitlement,” “Follow the White Supremacist Money,” “Engaging White People in the Fight for Racial & Economic Justice”) were typically as packed as mosh pits. Outside the ballroom and the conference rooms dozens of tables sponsored by nonprofits, White Privilege-conscious colleges and universities, and a handful of local public agencies (the Seattle and King County housing authorities, for example) were heaped with books, fliers, buttons, and “Non-Profit Anti-Racism Coalition” fortune cookies. “Racial Micro-Aggressions: What They Are and Why They Hurt” announced one pamphlet. At another table, attendees could—and many did—buy a “Got Privilege?” T-shirt to wear around the hotel. Other T-shirts for sale bore such slogans as “There’s enough in the world for everyone’s need, but not enough for everyone’s greed.”

Conference speakers and workshop leaders offered apologies to the nearly defunct Duwamish Indian tribe of western Washington, whose land had been “stolen” (in the words of one speaker) by white people, and also to the local eponymous hero, Chief Seattle, a 19th-century Duwamish

leader who may or may not have been an early environmentalist. One woman poured a ceremonial “libation”—that is, the contents of a glass of water—onto the ballroom floor in order to summon up the spirits of the “ancestors” whose bodies presumably lay somewhere in the vicinity, if not under the DoubleTree itself, as in *The Shining*.

Who were those 2,000 people lounging on the lobby floor as they ate their WPC-supplied vegan-option box lunches or lined up to buy corporate lattes at the in-house Starbucks station? From my conversations with some of them, it seemed that they had one thing in common: Someone else, or something else, usually a public entity or a university or a nonprofit or a church, had paid their way (up to \$435 in registration fees alone) for the four days and nights at the Seattle airport. The top representative professions at the conference were: college professor, student, campus diversity officer, and employee of an activist organization whose title typically included the words “equity,”

“social justice,” or both.

Indeed, one way to look at the conference was as a networking event for a diversity industry that is larger and more elaborate and competitive than one can imagine. The conference program bulged with ads for other White Privilege-style conferences (a Pedagogy of Privilege conference this coming August at the University of Denver, for example) and white-privilege reading material (sample book titles: *Deconstructing Privilege*; *Cultivating Social Justice Teachers*; *White Women*

Getting Real About Race). It seemed that nearly everyone in attendance, including many of the college professors, was flogging a book or had a side gig as a “consultant”—that is, someone you might want to hire for your own campus or workplace exploration of the ins and outs of white oppression. Eddie Moore himself, when he is not at Brooklyn Friends, runs America & MOORE LLC, and his business card advertises “Diversity Education, Research & Consulting.”

For other attendees, however, the White Privilege Conference was something quite different: an intensely meaningful communal ritual for members of minority groups—a forum for letting hang out their innermost feelings, often tinged with anger and fear, about the way they think white people think about them. “I can be myself here,” Storme Lynn, an Albuquerque psychiatrist, WPC veteran and workshop leader, and sometime member of the New Mexico Equity and Social Justice Alliance, told me. “Most of the time I feel that I have to hide my real feelings behind

The top professions at the conference were: college professor, student, campus diversity officer, and employee of an organization whose title included the words ‘equity’ or ‘social justice.’

a mask—and I can't talk about them," she said. "Here, I can find an outlet for them. I can feel comfortable."

One of the most well-received events was a reading of *A Poem for My White Friends* by race-relations facilitator Norma Johnson. Her lengthy chip-on-the-shoulder lyric dwelt on the gaffes that white people make, or were assumed by Johnson to make, when dealing with blacks in professional and social settings. For example, Johnson expressed the belief that if she were white and walked into a department store and stuffed her coat with purloined sweaters, the security guards would simply assume that she was pregnant and give her a pass, but since she was African-American . . . "I didn't tell you how many times white people told me, 'You're different,'" Johnson's poem concluded, "I didn't tell you how your liberalism chokes me sometimes." Were white liberals really this obtuse and boorish? Were security guards dumb enough or bigoted enough to believe that white people could never be shoplifters? The White Privilege audience seemed to think so. While the words "Lindsay Lohan" were skipping across my brain like a pebble on a lake, Johnson's poem was receiving a sustained standing ovation from an audience that was in fact majority-white.

Indeed, although Norma Johnson and Storme Lynn are black, and so is WPC founder Eddie Moore (along with a number of the conference's other organizers), the idea of "white privilege" is a thoroughly white one. It was the brainchild of the extremely pale Peggy McIntosh, now associate director of Wellesley College's Centers for Women. In 1988 McIntosh, a women's studies professor who liked to describe herself as a "feminist" and an "antiracist activist," published what she called a "personal account" in which she asserted that while conscious racism seemed to be on the wane after the victories of the 1960s civil-rights era, white people—including McIntosh herself—continued to practice a form of unconscious racism that allowed them to oppress minority groups even though they might not have any idea that they were doing so. "I have come to see white privilege as an invisible package of unearned assets that I can count on cashing in each day but about which I was 'meant' to remain oblivious," McIntosh wrote in her paper. "White privilege is like an invisible weightless knapsack of special provisions, assurances, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank checks," she wrote.

McIntosh's paper listed 46 different ways in which she

believed that "skin-color privilege" enabled her to count on advantages that weren't available to her "Afro-American co-workers, friends, and acquaintances." They included such verging-on-*Onion* parody items as:

"17. I can talk with my mouth full and not have people put this down to my color."

"39. I can be late to a meeting without having the lateness reflect on my race."

"46. I can choose blemish cover or bandages in 'flesh' color and have them more or less match my skin."

McIntosh concluded: "In proportion as my racial group was being made confident, comfortable, and oblivious, other groups were likely being made unconfident, uncomfortable, and alienated. Whiteness protected me from many kinds of hostility, distress, and violence, which I was being subtly trained to visit in turn upon people of color."



Art promoting Peggy McIntosh's oeuvre

McIntosh's paper was an instant hit among her academic confreres, assigned as required reading in so many college sociology classes, and photocopied and printed off the Internet so frequently that McIntosh has been waging a last-ditch copyright battle. (Although excerpts from the paper circulate freely on the web, you have to send anywhere

from 50 cents to \$6 to McIntosh to read about her invisible knapsack in its entirety.) McIntosh's appeal lay in the fact that her paper provided a three-legged stool of theory upon which a burgeoning white-privilege industry could sit in perpetuity, especially since—as was inevitable—the concept of "white" has gradually expanded to include such categories as "male," "Christian," "middle-class," and "heterosexual." The three legs were: (1) racism, sexism, classism, heterosexism, and so forth can never be obliterated, because they are fundamentally unconscious phenomena; (2) members of minority groups are permanent victims, forever entitled to feel angry and alienated, because they will be perpetually, if often unconsciously, slighted by whites (or men or Christians or heterosexuals); (3) white people (or men, heterosexuals, whatever) cannot escape guilt for setting up a society that favors them to the detriment of nonwhites, women, gays, whomever.

Perhaps not surprisingly, it has been guilt-plagued whites who have most eagerly leapt onto McIntosh's theoretical bandwagon. In 2012, for example, an organization called Un-Fair Campaign, headquartered in Duluth, Minnesota (90 percent non-Hispanic white, according to the

2010 census), released a video in which Un-Fair members filmed themselves with such slogans as “I Am a White Man—That’s Unfair,” “We’re Lucky to Be White,” and “Society Was Set Up for Us” scrawled in black magic marker onto their milky foreheads, cheeks, and chins. It was hard not to laugh—as many conservatives did—and the University of Minnesota-Duluth, which had originally supported the campaign, backed out, although other institutions, such as the University of Wisconsin-Superior, affirmed their support of the Un-Fair self-loathing campaign. (The video, once freely available on the Internet, has since been withdrawn as “private.”) Then, early this year, Wisconsin’s Department of Public Instruction (Wisconsin is 83 percent non-Hispanic white), in collaboration with the federal Volunteers in Service to America (VISTA) program, posted a link to a flyer that encouraged white high-schoolers to wear white wristbands as a “reminder of your privilege.” The flyer suggested that Wisconsin teens “put a note on your mirror or computer screen as a reminder to think about privilege,” “make a daily list of the ways privilege played out,” and conduct an “internal dialogue” asking questions such as “How do I make myself comfortable with privilege?” and “What am I doing today to undo my privilege?” Again, after a torrent of negative publicity, including a derisive April 3 syndicated column by George Will, the Wisconsin agency withdrew the flyer.

Right-of-center ridicule hasn’t stopped numerous white-privilege activists, professional and amateur, from continuing to bang the breast-beating drum. One of the most prominent these days is Tim Wise, 44, part Jewish, part Southern Scotch-Irish, who has devoted nearly all of his postcollege years to what might be described as white-privilege careerism, traveling from campus to campus—and also from corporate headquarters to corporate headquarters as a paid speaker—lecturing his fellow whites on the dastardly implications of their skin color. Wise’s extensive bibliography includes such books as *White Like Me: Reflections on Race From a Privileged Son* (2004) and *Dear White America: Letter to a New Minority* (2012).

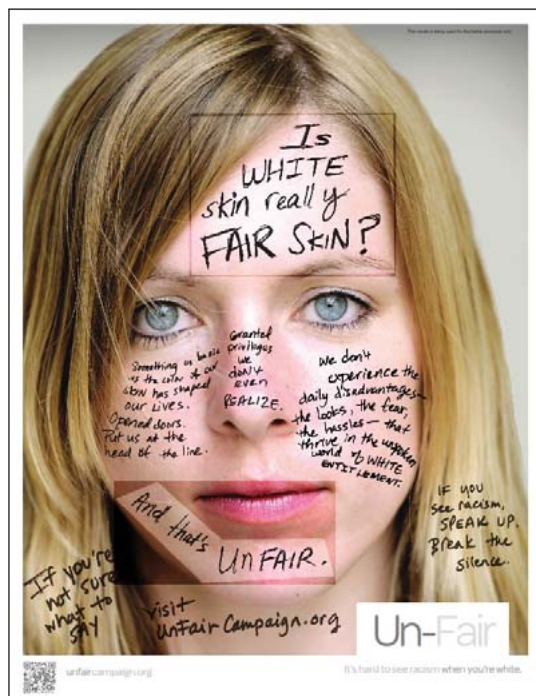
On April 16, the day after the bombing at the Boston

Marathon that killed 3 people and injured 264 more, Wise published on his website a laundry list of certifiably white bombers, mass-murderers, and would-be bombers and mass murderers: Timothy McVeigh of the Oklahoma City massacre in 1995, 1996 Atlanta Olympics bomber Eric Rudolph (who also targeted abortion clinics), and the like. As *Wall Street Journal* columnist James Taranto pointed out, Wise restricted his list to white malefactors whose politics could be construed as right-wing and conspicuously omitted such whites on the left as the Weather

Underground’s Bill Ayers (who admitted to planting bombs that exploded at the Pentagon, the Capitol, and other sites during the early 1970s as part of a Vietnam war protest) and Kathy Boudin, who narrowly escaped a fatal explosion in 1970 as she and other Weather members were assembling nail bombs in Greenwich Village that they planned to detonate at a soldiers’ dance in Fort Dix, New Jersey. (Boudin was later convicted of driving the getaway truck in a 1981 armed robbery by the Weather Underground and the Black Liberation Army of a Brinks armored car that left a Brinks guard and two police officers dead of gunshot wounds; she served 22 years in prison.)

Wise’s April 16 web article seemed consciously to imitate the style of Peggy McIntosh’s 1988 paper: “White privilege is knowing that if the Boston bomber turns out to be white, we will not be asked to denounce him or her, so as to prove our own loyalties to the common national good. . . . White privilege is knowing that if this bomber turns out to be white, the United States government will not bomb whatever corn field or mountain town or stale suburb from which said bomber came, just to ensure that others like him or her don’t get any ideas.”

The very same day, April 16, syndicated columnist David Sirota published an article in the online magazine *Salon* that linked to Wise’s posting and was titled “Let’s hope the Boston Marathon bomber is a white American.” Sirota wrote: “[W]hite male privilege means white men are not collectively denigrated/targeted for those shootings—even though most come at the hands of white dudes.” The next day, April 17, Sirota published a follow-up article



An ad from Un-Fair Campaign

in *Salon*, “I still hope the bomber is a white American.”

On April 18 the FBI published photographs of the two bombing suspects, the brothers Tamerlan and Dzhokhar Tsarnaev, that fulfilled Sirota’s hopes although perhaps not in quite the way he had expected: The Tsarnaevs were “white” in the sense that they were Chechen Muslim immigrants from Russia, and thus authentic Caucasians from the Caucasus, although they were not the Bible-toting, abortionist-shooting rednecks that Sirota and Wise seemed to be hoping for. The Tsarnaev brothers were also “American” in the sense that Tamerlan, age 26, possessed a green card and was thus a legal U.S. resident, and Dzhokhar, age 19, had become a naturalized U.S. citizen in September 2012. On May 1 the Boston police announced the arrest of three more suspects who allegedly lied to authorities and helped the Tsarnaev brothers destroy evidence. Two were also Caucasians—from Kazakhstan.

WPC14 ended two days before the Boston bombings, so there was no opportunity for its speakers and workshop “facilitators,” several of whom sported Wisconsin-style white wristbands, to indulge in any Sirota-esque speculations. But there seemed little doubt that had the opportunity presented itself, they would have weighed in enthusiastically. Eddie Moore, for example, declared from his speaker’s podium that the 17-year-old black youth Trayvon Martin—who became a posthumous celebrity after his February 2012 shooting death by George Zimmerman in Sanford, Florida—had been “murdered.” This even though Zimmerman’s second-degree murder trial has yet to take place (it is scheduled to begin on June 10), Zimmerman claimed self-defense, alleging Martin attacked him, and Zimmerman, although initially branded a white, turned out to be of heavily Hispanic mixed race, with a black great-grandfather.

The White Privilege website declares: “It is not a conference designed to attack, degrade or beat up on white folks.” And yet . . . the first White Privilege session I attended seemed to be nothing but beating up on white folks. It consisted of the final 90 minutes of a WPC “institute” (an eight-hour workshop, available for an extra \$180) held the day before WPC14 officially opened. It was titled

“The Color of Empire / The Cost to Our Humanity: Dismantling White Privilege and Class Supremacy Using Cellular Wisdom.” The facilitator was Heather Hackman, a professor in the social-responsibility graduate program at St. Cloud State University in Minnesota and also the founder of the Hackman Consulting Group, which according to its website offers its “training” services on “deep

diversity” and “social justice” to a range of clients that includes corporations, local governments, and educational institutions from preschool through college. The main premise of “The Color of Empire” seemed to be that white people had created the idea of race, “the sole purpose of which is to rationalize the white race,” Hackman said. Hackman, herself distinctly pale of complexion, maintained that her fellow whites some 400 years ago had created a skin-color-based category called “red”

even though there are “500 different Native American nations, bands, and tribes.” They had also devised a category called “brown” for “Latinos,” “even though there’s no ‘Latino’ food and no ‘Latino’ language,” Hackman said.

This actually made some sense: If racial classifications are artificial (“socially constructed” was the way Hackman put it), lumping people together under a skin-color label who may have nothing linguistically or culturally in common, why not just get rid of the classifications altogether? Isn’t that exactly why conservatives like me oppose racial preferences and set-asides? But Hackman in fact focused obsessively on race, race, race, and color, color, color. She showed us a Southwest Airlines television commercial in which there apparently weren’t enough “people of color” among the actors playing crew and passengers. She had us divide ourselves into small groups to discuss “how old we were when we discovered what race we were.” (My answer: about age 30, when I realized that with a Hispanic mother,

I could make my employers look attractively diverse on their Equal Employment Opportunity Commission reports.) She drew a U-shaped tube with a plunger that had something to do with white people hogging all the resources that rightfully belonged to other races. When I asked Hackman about why race seemed to be the prime focus of her workshop even though it supposedly didn’t exist, she told me that I needed to read up on “critical race theory.” She added: “We’re talking about a reclamation of



Covers from books by Tim Wise

racial categories.” In other words, racial categories are an oppressive white fantasy—until they prove to be useful for promoting race-based identity politics.

That seemed to be a conference theme. At another packed, nearly all-white workshop, titled “Where, When and Why White People Were Invented and its Relevance Today,” blonde and blue-eyed Jacqueline Battalora, professor of sociology, anthropology, and criminal justice at Saint Xavier University in Chicago, author of *Birth of a White Nation*, and a professional “antiracist training” expert (according to her website), similarly argued that race was an imaginary concoction. The guilty parties this time, Battalora said, were the British colonizers of America, who enacted antimiscegenation laws during the 17th century in order to divide and conquer their white-indentured-servant/black-slave-and-freedman workforce. But as with Hackman, race-as-social-construction for Battalora quickly bled into what sounded more like plain old racism of the kind that you would think an anti-racist training expert would eschew: “You white people wouldn’t have the standing you have in this country if it weren’t for white supremacy—it’s just the truth!” She led a kind of cheerleader chant: “What is the color of money?” “White!” shouted a chalky-faced workshopper sitting in the front row. “Good!” yelled back Battalora.

In a workshop titled “White Pride World Wide? Understanding and Challenging Cyber-racism,” facilitator Sophie Statzel Bjork-James, a (white) graduate student in anthropology at the City University of New York, surveying a range of what she described as hate-group websites “more powerful than you think,” declared: “This country has yet to deal with white terrorists—we still haven’t dealt with Timothy McVeigh,” the 1995 Oklahoma City bomber, who was tried and convicted in 1997 and executed in 2001. In a workshop titled “Last Gasp of the Great White Male or Has Privilege Pulled Us Into the Vortex Already?” Jody Alyn (yes, another white) of Jody Alyn Consulting in Colorado Springs wove a *Moby-Dick*-themed web of rich-whitely conspiracies worthy of a hate-group website, although the other way around. It all started, according to Alyn, with the founding of the conservative Heritage Foundation in 1973 with money from the white-skinned beer magnate Joseph Coors (Alyn: “Oh my God!”), which spawned the publication of Charles Murray’s IQ-focused *The Bell Curve* in 1994 (helped along by a grant from the equally white Bradley Foundation), and culminated with the Supreme Court’s progressive-bugaboo decision in *Citizens United v. Federal Election Commission* in 2010 that the First Amendment protects corporate speech.

Then along came the Tea Party, which Alyn maintained had been “totally fabricated” by wealthy whites as early as the 1990s.

At another workshop I learned that there was something even worse than being white: being a Christian. The workshop was titled “The Power and Privilege of Christian Hegemony: Racism, Sexism, and Economic Inequality.” The facilitator was Paul Kivel, a (white) “trainer” (according to his website), “social justice educator,” and author of the forthcoming book *Living in the Shadow of the Cross*, whose cover displays a cruciform forged out of chain links hovering over a map of the Western Hemisphere. As a Christian, I’ve got to say that I scarcely recognized my own religion in Kivel’s lurid presentation. For one thing, he never got around to mentioning Christianity’s most famous figure, Jesus Christ. But thanks to Christians’ proclivity to believe in such bizarre concepts

as “good” and “evil,” Christian atrocities formed the bulk of Kivel’s hour-and-a-half ramble through 2,000 years of history. According to Kivel, Christians “destroyed libraries,” “killed millions of people,” and singlehandedly caused “a closing of the Western mind. So much was destroyed that we call it the Dark Ages,” Kivel said. That was only the beginning. Afterwards came the Inquisition, witch-burnings (“the church decided that women were the source of all evil”), wars, racism,

slavery, oppression, colonization, hierarchies, individualism, the Protestant ethic, free-market capitalism (“an economic system that is destroying all of us as well as the material world”), global warming, “corporate predation,” “punishment of the poor,” “incredible violence,” and even the Gregorian calendar and the King James Bible (“a consolidation of power over the culture”). Was there anything that Christianity couldn’t do?

In stark contrast to the Christian carnage spotlighted by Kivel was the WPC’s sunny session on Islam. In a packed workshop titled “White America’s Islamophobia Profiteers,” Amer Ahmed, associate director of the office of multiethnic student affairs at the University of Michigan, explained that Muslims practice a religion of peace, tolerance, and family values, in which the word “jihad” means “inner struggle” and the phrase “9/11” means an unfortunate event after which “more and more Americans associate Muslims with terrorism” for some reason. (Again, this was before the Boston Marathon.) A video shown by Ahmed depicted Islam placidly spreading over the centuries throughout the Middle East and northern

**The Inquisition,
witch-burnings,
wars, racism,
slavery, oppression,
individualism, global
warming—was
there anything
that Christianity
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Africa—tactfully omitting the Arab conquests by which it spread, the Ottoman Empire, the Muslim slave trade, and the Mughal overrunning of India—until, according to Ahmed, white Europeans got into the picture by practicing “colonialism” and creating “fake countries,” such as . . . Israel. As for the “profiteers” in the workshop’s title, Ahmed listed exactly three: Terry Jones, the Florida pastor infamous for burning copies of the Koran in 2012; Pamela Geller, a “Zionist,” leader of the fight against the “Ground Zero Mosque,” the proposed (but as yet unbuilt) 13-story Muslim center two blocks north of the site of the World Trade Center towers; and Robert Spencer, whose blog “Jihad Watch” monitors Islamic terrorism. When I asked Ahmed after the workshop how exactly those three freelancers could be termed “profiteers,” he responded, “They’re selling books.” (Geller and Spencer are indeed published authors.)

So it went. Terrance Nelson, aka Mush-ko-dah-be-shik-eese (“Little Buffalo”), a diminutive bronze Anishanabe Indian from Manitoba wearing tinted eyeglasses and an Indian-blanket-themed vest, berated the European settlers of North America in a keynote speech for a variety of crimes ranging from “genocide” via smallpox to burning Mayan books during the 16th century to systematically stealing Indian (“First Nations,” in Canadian-ese) land and national resources. Nelson is known in Canada for his threatened rail blockade in 2007 that resulted in a terrified government’s transfer of 75 acres to the Anishanabe for an “urban reserve” (aka tax-exempt gas station complex) in Winnipeg—and also for his participation in several other rail blockades in early 2013; his having been ousted as chief of the Roseau River Band of the Anishanabe in 2011 amid allegations of financial mismanagement; and a controversial trip to Iran in 2012 during which he declared in an Iranian government-sponsored television interview that Canada’s Indian reserves were “concentration camps.” The White Privilege attendees seemed neither to know nor to care about Nelson’s history—because he was, after all, a genuine Indian telling white people all the things about their oppression of Indians that they wanted to hear. They gave him an ovation when he declared that he had “blockaded the Alaskan pipeline.” They gave him a second ovation when he ordered them, “Get off your dependence on oil!” And they gave him a third ovation, a standing ovation, when he shouted, “Ninety-nine percent of Americans, you need to take back your country from the 1 percent!”

Nelson was followed at the podium by two elderly Japanese-American survivors of World War II internment camps in Western states. They at least had some genuine grievances as law-abiding U.S. citizens herded behind fences for the war’s duration. The prize, though,

for most self-loathing paleface (“if you are white, and you are occupying this continent, you are macro-aggressive”) went hands down to Paul Gorski, an antiracism professor at George Mason University’s New Century College (and also a “consultant”). Gorski apologized, calling himself a “hypocrite,” for eating factory-farmed chicken (at least in the past—he’s now a vegetarian). He apologized for patronizing the George Mason cafeteria (operated by the food-service behemoth Sodexo, which “pays the lowest legal wages”). He apologized for drinking Coca-Cola. He apologized for animal-testing of products and showed us a slide of a bleeding bunny rabbit. Also, Gorski added, “I got married. I participated in an oppressive tenure system at my university. I used big banks. These are some of the things that make me a racist, a sexist, and a heterosexist.” By the time Gorski got around to apologizing for his sweatshop-manufactured pants and polo shirt, even a few of the water-bottle-danglers sitting behind me started to laugh. “I guess we have to start making our own clothes,” someone joked.

A few of the speakers did go off-message occasionally. Betsy Leondar-Wright, program director for Class Matters (another consulting outfit), warned that it was not a good idea to use such jargon words as “supremacy,” “hegemony,” “imperialism,” “neoliberalism”—or, for that matter, “privilege”—around white working-class people if you wanted to get them on your side. “You don’t want to talk about how white people are responsible for all the evils in the world,” Leondar-Wright advised. Robert Jensen, a journalism professor at the University of Texas at Austin, sounded silly when he said, “You can be a man or you can be a human being, but you can’t be both,” at his workshop, “‘White Trash’ Solidarity: Reject the ‘White,’ Embrace the Trash.” Then again, Jensen did announce, to the horror of his audience, that he had “come out as a Christian.”

Most surprising of all was an entertaining keynote speech (actually the most entertaining speech in all of WPC14) by 16-year-old Jacob Swindell-Sakoor, a student of Eddie Moore’s at the Brooklyn Friends School, that actually imparted some useful information about how people of color like him could acquire some of the supposedly white-hoarded money that was the topic of WPC14: by thrift, prudent investing, and avoiding debt. He talked about his summer jobs from which he made sure he netted some savings, and about his policy of buying cheap but reliable musical equipment for his band instead of flashy, expensive stuff: “Teenagers think they can spend like Kim Kardashian.” You could have knocked me over with an Anishanabe headdress feather when young Jacob embarked on a critique of Richard Nixon for taking America off the gold standard in 1971 and launching an era of profligate deficit spending—“so now we have fiat money.” What—did Jacob think he was at a Ron Paul rally?

Despite the swollen streams of dumbed-down Marxism, white guilt-wallowing, and victimological self-pity inundating the WPC—not to mention the obvious element of self-promotion, as speakers and workshop leaders auditioned for their invitations to the next “diversity” or “privilege” get-together—I came genuinely to like the conference’s organizers. They were consistently courteous and also tolerant of my unabashedly conservative views. Eddie Moore proved to be charming underneath his white-antagonistic carapace, and I quickly became “Sister Charlotte.” By the time I had my picture taken sitting in a front-row chair between Moore and WPC regular Storme Lynn, I was wondering if I hadn’t succumbed to Stockholm Syndrome. Self-described education advocate Immaculate Ferreria-Allah of Sumner, Washington, insisted that I pose with her for a photo next to the “Companies That Benefited Financially from the Slave Trade” sign in the DoubleTree lobby (the sign said one of the companies was Lehman Brothers—so there really is cosmic justice).

Abby L. Ferber, a white-wristband-wearing UCCS sociology professor who leads the WPC planning committee, did her best to try to explain to me that “white supremacy” in sociological terms isn’t synonymous with “Aryan Nation” but has to do with the unspoken assumptions of people who belong to a country’s cultural majority, in America’s case, whites. “American society was set up to benefit white people,” Ferber said. This made sense in a way. Three years ago I spent eight weeks living and traveling in the overwhelmingly Muslim countries Tunisia and Egypt, whose inhabitants’ sense of their own Islamic cultural superiority was also overwhelming. All I had to do was hear the electronic muezzin droning the call to prayer from the mosque down the street at 4:30 every morning in Tunis to realize that the North African *ummah* operated strictly for the benefit of Muslims. Call it Islamic privilege.

“My skin color is not black,” a female college student sitting in the DoubleTree lobby told me (I promised not to quote her by name). “I’m of mixed race, but culturally I’m African-American. We all have a culture, and I’m trying to come to terms with my culture. Culture is more specific than race. This all goes back to the idea of the melting pot, where you’d just be an American white. They say, ‘I’m just white’ [of skin], but actually it’s a question of the food you eat and the festivals you celebrate.”

One could point out that most black Americans celebrate the same holidays and eat the same food as most white Americans, but that would be quibbling. The fact is that America was founded by Westerners (call them “white

people”) who believed they were advancing the ideals and values of centuries of Western civilization. Why were Westerners alone expected to apologize for their own culture and to refrain from criticizing aspects of other cultures or subcultures that struck them as dysfunctional? In truth, among the WPC14 offerings that I sampled, not a single one of those “difficult and critical dialogues” about race, class, and privilege that the conference promised took place. Audience pushback to the speeches and workshop presentations was minimal to nonexistent. During Jody Alyn’s “Great White Male” conspiracy workshop one man did crack, “Somewhere right now conservatives are holding a conference just like this one saying there’s a huge liberal conspiracy.” A workshop by Moore himself titled “N!gga/DJANGO: Why Are These White Folks Laughing in the Dark?” generated a lively challenge to his premise that a racism-pandering corporate entertainment industry—

and not black rappers—was responsible for the resurgence of the taboo n-word, used prolifically in Quentin Tarantino’s *Django Unchained*. That was about it. Otherwise, it was a roomful of *Mmmm-hmmms* when, say, Robert Jensen called his employer, the University of Texas, a “white-supremacist organization.”

In a later telephone interview I asked Moore why, if the conference was supposed to foster difficult dialogues, there hadn’t been any discussion of the genuine reasons that

white people might have for looking down on inner-city black culture: the breakdown of the family, for example, that has led to high crime levels among young men growing up without fathers at home. “That’s the kind of commentary [the WPC attendees] hear every day,” said Moore. “So sometimes they want to be in a place where they can hear the other side—at least that’s what I’m hearing from them. If people are always coming down on you and your culture, and you feel that you can’t even raise the issue of racism, you want to be in a place where you feel safe to raise it.”

Both Moore and Abby Ferber agreed, though, that the White Privilege Conference was mostly about “preaching to the choir,” as Ferber put it. I asked Ferber what she hoped might be the ultimate goal of such racial-identity marathons. “I think it’s possible to have a society where there’s complete equality, where you can have differences without a racial or cultural hierarchy,” Ferber said. I asked her if such a society had ever existed. “Not that I know of,” she laughed. That means, of course, that the future looks bright for many more White Privilege Conferences. ♦

A few of the speakers did go off-message. One warned that it was not a good idea to use such jargon words as ‘supremacy’ and ‘hegemony’ around white working-class people.

Thomas Perez Makes a Deal

How Obama's Labor nominee made a Supreme Court case disappear

BY TERRY EASTLAND

On November 7, 2011, the Supreme Court decided to hear *Magner v. Gallagher*, a case about racial discrimination in housing. Oral argument was scheduled for February 29, 2012. But shortly before that, on February 10, the case was dismissed.

Dismissal of a case about to be argued in the Supreme Court is unusual, but not unheard of; it happens maybe once a term. The question the Court had agreed to review in *Magner* was one that Thomas Perez, the assistant attorney general for civil rights, did not want the Court to decide. Making the case “go away,” as one Justice Department lawyer put it, thus became a “top priority” for Perez, as he himself said. Perez achieved it in a brisk three months.

For more than a year now the House Committee on Oversight and Government Reform and the House and Senate Judiciary Committees have been pursuing the question of how *Magner* came to be dismissed and thus to evade Supreme Court review. The committees’ joint staffs released their report on April 15, just before confirmation hearings for Perez, the president’s nominee for secretary of labor, began before the Senate Health, Education, Labor and Pensions Committee. The joint staff report makes clear the outline of the *Magner* story, and Perez’s role is central.

The case had its origins more than a decade ago. In 2002, St. Paul, Minnesota, decided to step up enforcement of its housing code for rental properties. In 2004 and 2005, several property owners sued St. Paul

in federal district court, alleging that the enhanced enforcement effort violated the prohibition of racial discrimination in the Fair Housing Act (FHA).

The district court threw out the case, finding that the plaintiffs hadn’t made a strong enough claim for a trial. But

on appeal, the U.S. Court of Appeals for the Eighth Circuit decided they had done so and reinstated their claim of “disparate impact.” The city then appealed that ruling to the Supreme Court. In taking the case, the Court asked the parties to address a question it had never resolved but which was certainly ripe: whether disparate impact claims are “cognizable under the FHA”—meaning, whether in St. Paul or anywhere else, they may be brought before a court.

Disparate impact is not to be confused with “disparate treatment,” the different treatment of someone

because of his race or some other forbidden category, such as national origin, sex, or religion. Disparate impact targets companies and other entities for policies that are neutral and nondiscriminatory in their intent but have a disproportionate impact on people of a particular race, ethnicity, sex, or religion. For example, in a 1971 Supreme Court case, a power company was accused of discrimination because it required applicants to have a high school diploma. The policy adversely affected those lacking diplomas—vastly more blacks than whites.

Disparate impact has been duly legislated in employment and some other areas, but not in housing. It is not provided for in the Fair Housing Act.

Eleven appeals courts, however, have concluded that disparate impact claims may be brought under the FHA. Parties have used the theory to challenge race-neutral actions by landlords, businesses, and local governments that affect groups differently. In *Magner*, the plaintiffs contended that St. Paul’s aggressive code enforcement burdened their rental



Thomas Perez

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businesses and decreased the amount of affordable housing in the city—developments, they said, that had a disparate impact on African Americans, who made up 60 to 70 percent of the city’s low-income renters.

Had *Magner* remained on the Court’s docket, and had the Supreme Court decided that disparate impact claims are not cognizable under the FHA, St. Paul would have won its case. But such a ruling would have denied Perez the chief tool he had been using to bring housing discrimination cases—a major initiative of his tenure at the Civil Rights Division. It also might have constrained his use of disparate impact in other areas, such as employment. And it could have complicated efforts elsewhere in the administration to apply disparate impact in new provinces, among them criminal background checks and school discipline.

Russlynn Ali, then the assistant secretary of education for civil rights, said during a press conference in March 2010 that “disparate impact is woven throughout civil rights enforcement in [the Obama] administration.” To continue the metaphor, the chief weaver of this thread is Perez, who holds the most important civil rights office in the government. Perez has called disparate impact “the linchpin” of civil rights enforcement.

Disparate impact theory, however, is controversial, and the reasons are evident. Disparate impact can impose liability for policies or practices that are entirely race-neutral, were adopted without discriminatory intent, and are applied fairly. The results of a policy, delineated by race, are what matter most. And if the numbers are “wrong,” then it falls to the defendant to prove that the policy or practice is necessary and that no other policy or practice with less-disparate impact can serve the defendant’s needs. Of course, those seeking to avoid being sued in the first place have alternatives. They can preemptively weaken a race-neutral policy to the point where it ceases to produce disparate outcomes. Or they can maintain the policy or practice but adjust the results to get the numbers “right”—in effect, adopt a racial double standard.

In November 2011—the same month the Court took *Magner*—Perez wanted “to start a conversation with the City of St. Paul about [his] concerns relating to the *Magner* case,” according to Perez’s written answers to questions from senators. One concern was that the case lacked facts that would cast disparate impact theory in a sympathetic light. Perez also thought that the absence of a federal housing rule explicitly targeting policies and practices with disparate impact—though such a rule was in the works and has since been promulgated—could lead the justices to be less deferential to the executive branch’s use of the approach. But whether “bad facts” or the lack of the rule would have made any difference in the Court’s handling of the question in *Magner*—the validity of disparate impact—seems doubtful,

since the more formidable difficulties for Perez’s position lay inside the Court.

Consider that for the administration’s position on disparate impact to have prevailed in a Court review of *Magner*, at least five justices would have had to be willing write the theory into the FHA. But there are five justices who as a general matter believe that the authority to make law belongs to Congress, not the courts. And one of those is Justice Scalia, who in a 2009 public employment case wrote a concurrence in which he said that the disparate impact provisions in federal employment law “place a racial thumb on the scales, often requiring employers to evaluate the racial outcomes of their policies and to make decisions based on (because of) those racial outcomes.” That type of racial decision-making being discriminatory, said Scalia, the Court someday will have to decide whether the disparate impact provisions in employment law are consistent with the Constitution’s guarantee of equal protection of the laws. Writing disparate impact into federal housing law would raise the same constitutional problem for Scalia and other justices of similar judicial philosophy.

Through Minnesota connections, Perez found David Lillehaug, a former U.S. attorney serving as an outside counsel for the city. The two talked on November 23, 2011. We learn from the joint staff report that Lillehaug told the committees’ investigators that the civil rights chief discussed with him “the importance of disparate impact.” Lillehaug also said he told Perez that the United States might be suing the city in a separate case brought under the False Claims Act. The two men discussed “a potential solution,” namely that St. Paul would withdraw its petition in *Magner* if the Justice Department declined to intervene in the false claims case. The conversation ended with Perez indicating he would look into the case, responsibility for which lay with the Justice Department’s Civil Division.

Under the False Claims Act, a private individual—a “whistleblower”—may sue federal contractors for defrauding the government. In May 2009, Frederick Newell of St. Paul filed such a complaint, charging that the city had falsely certified its compliance with Section 3 of the Housing and Urban Development Act, which requires recipients of HUD financial assistance to provide job training, employment, and contracting opportunities to low- or very-low-income residents. Newell specifically alleged that the city had asserted on applications for HUD funds totaling almost \$200 million that it had complied with Section 3, when in fact it had not done so and knew that it hadn’t.

United States ex rel. Newell v. City of St. Paul was the name of Newell’s case. By their nature, false claims cases seek to advance the interests of the United States. But the United States—represented by the Justice Department

—may intervene in such cases. Justice joins no more than 25 percent of whistleblower cases, but it wins most of those it joins, and most of those it doesn't join fail to proceed. Justice, you could say, has the job of screening out cases with deficiencies that render them unlikely to succeed, which happens to be most of them.

Looking into the *Newell* case, Perez found that the three governmental entities involved in deciding whether to intervene were close to formal agreement in favor of joining the case. They reached that agreement on November 22, the day before Perez and Lillehaug first spoke. HUD, the party allegedly defrauded, wanted to intervene. So did the Civil Fraud Section in the Justice Department's Civil Division, which is the law enforcement arm for the client agency in the case, which was HUD. And so did the U.S. Attorney's Office in Minneapolis, which represents the government in Minnesota's federal district court. In a memorandum recommending that the government intervene, the lawyer working the case in the U.S. Attorney's Office wrote that HUD had "determined . . . the City was out of compliance with Section 3" and that "it did not appear to be a particularly close call."

If the United States had intervened in *Newell*, the "potential solution" Perez and Lillehaug had discussed would not have been possible, and *Magner* would not have been withdrawn from the Court's docket. As the joint staff report shows, Perez, immediately after speaking with Lillehaug on November 23, began an arduous effort to turn around those reviewing *Newell* at HUD, the Civil Division, and the U.S. Attorney's Office in Minnesota. By early January 2012 all three were in agreement: The Civil Division would decline to intervene in *Newell* as well as in another False Claims Act suit filed against St. Paul, *United States ex rel. Ellis v. St. Paul*.

Meanwhile, also in early January, with oral argument in *Magner* scheduled for the last day of February, Perez stepped up his effort to get St. Paul to withdraw the case from the Supreme Court. According to Lillehaug, Perez presented a "roadmap" for how to get the city "to yes." But on February 3, with "yes" still not reached, Perez flew to St. Paul to meet with the mayor and other city officials. Perez again "lobbied the mayor on the importance of disparate impact," according to the joint staff report, while reiterating the government's willingness not to intervene in the *Newell* and *Ellis* cases if *Magner* were withdrawn. City officials caucused privately and decided to accept the arrangement.

On February 9, the U.S. attorney for Minnesota filed a notice in court that the United States would not intervene in *Newell*. The similar filing in *Ellis* would come later. For now there was one thing left to be done. The next day, after three months in which Perez had relentlessly pursued his objective, St. Paul withdrew its petition in the case. Disparate impact had been saved, at least for now.

A press release from the city announcing St. Paul's request for a dismissal of *Magner* focused on disparate impact:

While Saint Paul likely would have won in the . . . Supreme Court, a victory could substantially undermine important civil rights enforcement throughout the nation. . . . The City of Saint Paul, national civil rights organizations, and legal scholars believe that, if Saint Paul prevails in the Supreme Court, such a result could completely eliminate 'disparate impact' civil rights enforcement, including the Fair Housing Act and the Equal Credit Opportunity Act. This would undercut important and necessary civil rights cases throughout the nation.

Just seven weeks earlier, when it filed its brief in *Magner* with the Court, St. Paul had taken a far different view of disparate impact in housing, stating unequivocally, "This theory finds no support in the text of the FHA."

During his confirmation hearing on April 18, Perez was asked about his work in getting *Magner* dismissed. The ranking Republican on the committee, Senator Lamar Alexander, commented that there seemed to him "an extraordinary amount of wheeling and dealing outside the normal responsibilities of the assistant attorney general for civil rights." Indeed, there was, and it took place in a Justice Department so evidently mismanaged that its senior leadership, according to the joint staff report, "was unaware of the extent to which Perez had gone to realize his goal" until well after he achieved it.

Among the questions the *Magner* story raises is whether Perez did anything inherently wrong in getting the case withdrawn from the Court's docket. And the answer is no, according to Supreme Court litigators with Justice Department experience. These litigators cautioned, however, that as a prudential matter the department wouldn't want to try doing that often, since it could fairly be seen as an effort to game the legal process. Perhaps that is why the litigators I spoke with were hard pressed to recall any similar instance.

A second question follows: Did the Justice Department do anything wrong by linking the unrelated cases of *Magner* and *Newell* in order to have *Magner* pulled from the Court's docket? The department has said that it is a "unitary actor" and may act in the "best overall interests" of the United States. That is, it may link cases if it thinks doing so necessary to vindicate the compelling interests of the United States. And that, says Justice, is what happened here. It bears noting that if a Republican had been president, the Justice Department would have had a different perception of the "best overall interests" of the United States. Almost certainly it would not have sought to save disparate impact from an adverse decision by the Supreme Court, and it might well have filed a friend-of-the-court brief in support of St. Paul. With *Magner* and *Newell* not linked, the department might even have joined *Newell*.

And a third question: Should the United States have intervened in *Newell*? The Justice Department has pointed to Mike Hertz, a career lawyer in the Civil Division commonly looked to for his assessment of the merits of whistleblower cases. Hertz, says Justice, saw *Newell* as a weak case not worth joining. Maybe so. But notes from an early January meeting attended by Hertz (who recently passed away) attribute to him the words “Odd—looks like buying off St Paul.” Hertz may have been reacting to the division’s final decision memorandum on *Newell*, and to the last of the factors that were considered in evaluating the case. They were: “potential evidence and witnesses, litigation risks, the lack of agency support, and policy considerations, including *the City’s anticipated withdrawal of Magnier* [emphasis added], which would aid the Department’s civil rights enforcement.”

The *Magnier* story is a reminder that presidential elections matter, from the Oval Office down through the departments and agencies and their subunits. Electing Barack Obama in 2008 meant four years of Thomas Perez as the government’s chief civil rights officer. And reelecting Obama in 2012 has meant the nomination of Perez as secretary of labor.

The whole business has confirmed for Republicans in the Senate, and in the House, too, the perception that Perez

is a lawyer who, in the words of Senator Orrin Hatch, has “a propensity for using the legal and judicial system to further an ideological agenda.” But absent new information about *Magnier* or other matters still being pursued by Republicans on Health, Education, Labor and Pensions, Perez’s appointment is likely to be confirmed by the Senate. The presumption of deference that the Senate historically has extended to the president’s executive-branch nominations has been so tested by the choice of Perez, however, that the committee vote on his nomination last week split along party lines: Not a single Republican voted for it.

Out in the country, the pursuit of disparate impact, of racial proportionalism, proceeds apace. The township of Mount Holly, New Jersey, has asked the Supreme Court to hear its appeal of a decision against the city sustaining a disparate impact claim. Here again, the validity of the theory is the issue. The Court is still weighing whether to take the case and has asked the solicitor general for his opinion on the question. The mayor of Mount Holly has publicly signaled his interest in settling the case.

Has the mayor heard from the same groups that counseled the mayor of St. Paul? And maybe also from Perez himself? Two months ago congressional investigators asked Perez and two HUD officials about the Mount Holly case. Administration lawyers told them not to answer. ♦



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Helen and Anthony Hecht at the Sewanee Writers' Conference, ca. 1997

Formal Address

The correspondence of Anthony Hecht. BY WILLIAM H. PRITCHARD

Of the generation of American poets born in the 1920s, three are preeminent: Richard Wilbur (b. 1921), Anthony Hecht (b. 1923), and James Merrill (b. 1926). This judgment will, of course, be contested by those who are most excited by the high nonsense of a John Ashbery, the manic improvisations of an Allen Ginsberg, or the solemn proclamations of an Adrienne Rich. But for those admiring of “formal” verse—of meter, rhyme, and stanza—the trio named above (one of whom, Wilbur, is still alive and writing) are master practitioners. They were united

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The Selected Letters of Anthony Hecht

edited by Jonathan F. S. Post
Johns Hopkins, 400 pp., \$35

in respecting their near-predecessors Elizabeth Bishop (b. 1911) and Robert Lowell (b. 1917), especially Bishop, about whom all three wrote essays. Going further back, Robert Frost and W.B. Yeats also figure for them as exemplars of the centrality of technique whose “modernism,” unlike that of Ezra Pound or T.S. Eliot, never abandoned poetry’s established forms.

Anthony Hecht, who is wonderfully restored to us by this expansive, finely edited volume of letters, was

not only a marvelous poet but a man of letters whose productions show a marked range and authority. What is perhaps more remarkable is that his most fertile years, both as poet and critic, were his last 25—beginning with two volumes of poems published in the late 1970s, *Millions of Strange Shadows* and *The Venetian Vespers*. Between those books and his death in 2004, he brought out three further volumes of poems, along with two collections of literary essays, a group of Mellon lectures on the fine arts, and a substantial book on W.H. Auden. Until his retirement in 1993, he was an active teacher at the University of Rochester and at Georgetown. His one-time colleague at Rochester, Jonathan Post, has provided enough editorial

MIRIAM BERKLEY

commentary to the seven sections in which he has divided the letters so as to produce, in effect, a mini-biography. (As is the case with Wilbur and Merrill, a full biography of Hecht is under way.) *Selected Letters* also contains a generous number of photographs.

Hecht's most creative period coincided, more or less, with his second marriage, to Helen D'Alessandro, who had been a student of his when he taught at Smith in the 1950s. Until then, his life was notable for its rough spots: He spoke of his childhood as a "rather bitter and lonely one," although his letters home from summer camp as a teenager are full of high spirits; later, he wrote to a younger poet that summer camp had turned him into a confirmed reader.

At Bard, where he spent three years until being drafted in 1943, he majored in art, studied piano and voice, and wrote poems. The latter activity he called "a painful and laborious process," and referred to his attempt at writing one of the most difficult of poetic forms, the sestina. He saw combat in the European theater, spent time after VJ Day serving in Japan, and would later be hospitalized twice for what is now called post-traumatic stress disorder, and for depression. The depression occurred upon the breakup of his first marriage, which produced two children but otherwise seems to have been a pretty grim affair.

The title of his first fully realized book of poems, *The Hard Hours*, for which he won a Pulitzer Prize in 1968, feels in part like a look back at those years. Not that reading the letters from this time is a somber activity; the editor points out that there is a good deal of "mischievous fun" in them, although the fun must be understood often to include a deeply sardonic and unillusioned look at men and manners. "Please do not think that writing letters serves me as a watered-down version of therapy," he warned his parents after they had congratulated him for what he called "spilling [my] guts to them." But he did announce himself Hamlet-like, "a dull and muddy-mettled rascal,

peak[ing] like John a'dreams, unpregnant of my cause."

He studied briefly with John Crowe Ransom at Kenyon after his discharge from the Army, and admits to having been "a product of the New Critics," especially Ransom and Allen Tate. In 1951, he was appointed to be the first fellow in literature at Rome's American Academy, a year in which he met Auden for a lengthy conversation in which Auden commented on some of Hecht's poems. Auden told him that he had been unduly influenced by Ransom and Tate, and that his poems as a consequence were too "formal." In a letter to his parents, Hecht agreed that the poems were "somewhat impersonal in tone, disengaged from the central emotions." The criticism is certainly appropriate to his first published book of poetry, *A Summoning of Stones* (1954), which displayed a glittering surface, an elegance of diction and stanzaic pattern, but whose "emotions" were difficult to discern exactly.

It was not until he brought out, 13 years later, *The Hard Hours* that such poems as "Behold the Lilies of the Field," "Rites and Ceremonies," and "More Light! More Light!" not only displayed central emotions but scenes of torture, humiliation, and horror as presented through the Holocaust and other imperial outrages. These poems, Hecht's most sensational forays into extreme situations and sufferings—they would be added to later by "The Deodand" and his unforgettable sestina, "The Book of Yolek"—are doubtless his most memorable poems, though not, to my taste, his finest ones.

His happy second marriage brought a son, and is marked by his settling into the routine of teaching, with visiting stints at Harvard and Yale as his reputation grew, and a steady production of poems. The letters contain no indication that he was anything but satisfied with, indeed grateful for, how his life and work had shaped themselves. Almost all the letters are about poets and poetry, invariably consisting of focused, intelligent criticism, and

not without their occasional sharpness of annoyance at one or another person or cultural phenomenon. (An untypical letter to an unidentified "Mr. Lord," who had written unsolicited, sometimes abusive, letters to Hecht, begins: "From the first mis-sives of yours to arrive, I have been either bored or repelled by what you have written.")

With the publication of his long, six-part poem "The Venetian Vespers," and an accompanying, even more striking one, "The Short End," Hecht entered the genre of dramatic monologue. Here, the example of Frost was important. He wrote to Jeffrey Myers that Frost was one of the best employers of that form, thus performing a needed service to American poetry, and that Frost was "an almost solitary defender of formal poetic values during the Modernist period when formal practices were being widely trashed." Coming from a poet who greatly admired modernists such as Yeats, Eliot, and Wallace Stevens (though not Pound, whom he called "unrewarding if not infuriating to read"), the salute to Frost has special merit. Hecht's dramatic monologue "The Transparent Man" (the title poem of his 1990 volume), movingly spoken by a woman suffering from leukemia in a nursing home, is one of his best and most Frostian. The monologues showed him as a resourceful, increasingly practiced user of blank verse—they are full of the musical twists of rhythm and tone that are made possible by playing a speaking voice against the metrical grid.

But just as impressive in his poetic oeuvre, overall, are the many poems written in rhymed stanzas, with elaborate, even ornate diction, that make a different kind of music from the blank verse narratives. In the words from "Sarabande on Attaining the Age of Seventy-seven," a poem from his final book, *The Darkness and the Light*:

*A turn, a glide, a quarter-turn and bow,
The stately dance advances; these are airs
Bone-deep and number as I should know
by now,
Diminishing the cast, like musical chairs.*

One of his letters speaks of how he has discovered Alfred Tennyson, the “unabashed luxuriante” of whose music had become persuasive to him. With the aid of Christopher Ricks’s great edition of Tennyson’s poems, he had been able to see “what at first seemed ‘tricks’ of diction, rhythm, metrical music . . . as part of a very real, and eloquent and moving drama of poetic discourse, full of an immediacy it had taken me a very long time to locate.” Hecht’s deep and ever-increasing knowledge of English verse is shown in two of his best critical essays, “The Music of Forms” and “On Rhyme” (from his collection *Melodies Unheard*), which reveal an inwardness with poetry as strong as are the musical rewards of his own poems. In this connection, I might mention poems from his later collections, such as “Curriculum Vitae,” “Meditation,” “Murmur,” “Rara Avis in Terris”—a lovely tribute to his wife, hedged round with satirical hits at current literary culture—and the matchless poems of farewell to his contemporaries David Kalstone and James Merrill.

At the other end of the tonal scale are moments in the letters where the vernacular invigoratingly asserts itself, as when he thanks Richard Howard for his translation of Gide’s *The Immoralist* but finds it hard to believe that its hero “could possibly have three friends who could endure to listen to such a protracted recitation without interrupting him with a swift kick in the ass.”

I end on a personal note, since the penultimate letter in this collection is one written to me, in August 2004. It contains a long paragraph of critically incisive observations about Philip Larkin’s poetry as compared to Larkin’s sometime masters, Yeats and Thomas Hardy. Then a new paragraph in which he reveals that he has been diagnosed with cancer and has completed the first session of chemotherapy, “which will not only leave me shorn but carry me into late November.” He enclosed one of his last poems, “Declensions.” He would die in October of that year. ♦

BCA

Two Heads, One Body

What could possibly go wrong in a co-presidency?

BY TEVI TROY

There is no doubt that the American presidency is an imperfect institution and that it has been inhabited by imperfect people. Given these incontrovertible facts, political scientists have long sought ways to improve the presidency. Some want to make it more powerful, others less. Some want us to pursue a parliamentary-style system, while others have argued for allowing more to be done by executive fiat. Professor David Orentlicher of Indiana University has come up with an original but almost certainly unworkable approach: He wants to split the presidency in half.

Specifically, Orentlicher wants to create a two-person presidency, and has written this short, readable book to promote the case. The basic argument is that our current system is broken, and that presidents are more likely to be beholden to party interests than national interests. Consequently, having two presidents from different parties governing simultaneously, with any and all decisions subject to the approval of both, will force the co-chief executives to seek out compromise and govern on behalf of the national interest. It will also, he argues, rein in executive excess and lead to better decision-making.

When I described this book’s basic premise to a friend (who may or may not be a senior editor at this magazine), he responded that it “sounds like Norman Ornstein/Thomas Mann on steroids.”

A good description, that. Orentlicher brings in game theory, foreign examples,

Two Presidents Are Better Than One
The Case for a Bipartisan Executive Branch
by David Orentlicher
NYU, 304 pp., \$29.95



Woodrow and Edith Wilson, 1920

and the psychology of group dynamics to argue his case—all of which does, indeed, make him sound like an Ornstein or Mann after having taken the academic equivalent of PEDs.

Orentlicher is also a former Democratic member of the Indiana House of Representatives, so it is not surprising that he sees his idea as a way of limiting the expansion of executive power. The perspective he brings, however, does not mean that his assessment is incorrect. His chapter on the imperial presidency, for example, highlights expansions of executive power undertaken by recent presidents of both parties. One does not need to be an advocate of unchecked legislative power to recognize that executive branch authority has expanded far beyond the limits

Tevi Troy is author of the forthcoming What Jefferson Read, Ike Watched, and Obama Tweeted: 200 Years of Pop Culture in the White House (Regnery).

established in the Constitution. But recognition of the expansion of executive power does not mean that these expansions have all been problematic, or that establishing a two-president system would limit such power.

Orentlicher also dislikes the fundamental unfairness of our winner-take-all presidency. He observes, for example, that Democrats would have been happier with a Gore-Bush presidency than a Bush one, and that Republicans would have preferred a McCain-Obama presidency to an Obama one. This is true, I suppose; but the real question is whether the country would have been better off.

Underlying Orentlicher's concept is the myth of the perfect moderate: If only Sam Nunn and Susan Collins could make our decisions, then we would have common-sense solutions. The problem is that things don't always work that way. Sometimes bold solutions are required. If Ronald Reagan had needed to convince a co-president about the need to stand up against the Soviet Union, or to cut taxes, or to fire the air traffic controllers, he might not have taken any of those steps. To be fair, Orentlicher anticipates this argument and avers that "arguments about visionary leadership often are misguided." Perhaps so. But there are other times when gridlock is not such a bad thing, especially if the alternatives are costly expansions of government power and spending.

Academic analysis, interesting though it may be, can only go so far. The reality of work and life in the White House is the biggest real obstacle to creating two presidents. Having worked in the White House, I know just how hard it is to get anything—and I mean anything—done, and that is with only one president. You would be surprised at how much time very senior people spend reading and commenting on staffing documents, which are memos or statements distributed by the staff secretary to every White House office for comment and approval. The problems would compound immeasurably with two presidents running the show.

Two presidents would be especially problematic if one of the co-presidents were a micromanager, as Jimmy Carter was. Would both presidents have to

agree on who gets the use of the White House tennis court? Furthermore, the backbiting that takes place in many a unipartisan White House would be far worse in a White House divided between the parties.

The White House is a notoriously difficult and competitive place to work. When I first took a job in the Bush White House, I called a friend from the Clinton White House, who gave me three words of advice: "Watch your back." Similarly, former Bush chief of staff Andy Card used to tell a story of his start in the Reagan White House, in which an officious woman would not place his seating card for a meeting until he had revealed whether he came from the James Baker or the Edwin Meese faction of the staff.

Beyond the internal intrigue, there is the problem of the co-presidents' partisans outside the White House as well. The abuse George W. Bush got

from the right on immigration, or that Barack Obama gets from the left for extending the Bush tax cuts, would pale before the opprobrium that would descend on the co-president who was deemed too compromising with his colleague from the other party.

Towards the end of *Two Presidents Are Better Than One*, Orentlicher acknowledges the unlikelihood of his two-person presidency becoming a reality, meaning that this volume is more an intellectual exercise than a realistic reform plan. And that's probably a good thing. We need to recognize that the system we have, for all of its flaws, is going to remain in place, and we must do our best to promote good policies through that system. Clearly, there are dysfunctions in Washington and problems with the presidency. But adding another president will not solve these problems—although getting a new president might be a good start. ♦



A World Divided

You can't take it with you, and here's why.

BY J. E. LENDON

Demetrius of Phaleron, the eccentric tyrant of Athens in the last years of the fourth century B.C., was the proud owner of a giant mechanical snail. This wonder of artifice led the religious processions for which Athens was famous, spitting up saliva, spritzing (we may guess) the squealing onlookers with cooling water, and leaving a deliciously repellent slimy trail behind to settle the dust.

Whimsical giantism was a hallmark of man's makings in the snail's generation—the years after the death of

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Dividing the Spoils

The War for Alexander the Great's Empire
by Robin Waterfield
Oxford, 304 pp., \$18.95

Alexander the Great surveyed here by Robin Waterfield. In this quarter-century, a larger-than-life captain would raise a titanic, bronze-clad siege-tower against the city of Rhodes, and, when it failed and was abandoned, the locals cast its metal cladding into the harbor-shadowing Colossus of Rhodes. War galleys bloated strangely, too: The swift trireme of Athens' lost naval supremacy gave way to the quadrireme, and then to the quinquereme—and for some mighty enthusiasts for the monumental, even that was not enough, so sixes,

and sevens, and nines, and tens took to the waves, and, once, a prodigious “forty-reme” (we have no good idea how such ships were rowed).

This was an age of engineers, a period of explosive innovation. Antiquity was, by modern standards, a millennium-long slumber of the technical genius of mankind. But the era of the snail was a fascinating exception. Nor were humanistic minds idle: In the crowd

involved in creating the great museum and library there; in one story, he was the presiding genius who organized the translation of Hebrew scriptures into Greek, the world-changing Septuagint. Demetrius had notions about the expressive power of eyebrows, and it is nice to think that he brought a bushy pair to teeming Alexandria, along with the ironic crook of his brow that had inspired his snail.



‘The Dying Alexander Receiving His Soldiers’ by J. André Castaigne (1899)

watching the snail slurp through the streets of Athens, the serene features of Epicurus might have been spotted, for within a few years he was to start teaching his quiet creed in the city. And maybe jostling him for a better look was Zeno, founder of the more assertive Stoicism. And perhaps, as the snail squirted him, the ready laugh of Crates the Cynic, the philosopher who became the mascot of Athens by simply walking into citizens’ houses uninvited to reconcile quarrelling relations, could be heard.

The Athens of Demetrius of Phaleron was well on the way to becoming the university town the Romans were to treasure. Demetrius was himself an intellectual, a friendly interlocutor of the smiling Crates, as well as an orator and polymathic member of the school of Aristotle, although he winked at ruling as Plato’s Philosopher King. In exile after his reign, Demetrius was to journey to Alexandria in Egypt and become

For in Alexandria, especially, an amused self-mockery was to take root in Greek art and literature. The ancient sense of humor, by turns either wanting or vicious, is as much a puzzle to us as the staggering march of ancient technology; but the time of the snail saw a gentle ironic wit that is far more appealing to our sentiments than the frenzied lashings of Aristophanes or Juvenal.

Demetrius of Phaleron was privileged to commission a giant mechanical snail because he was Athens’ sole ruler, in spite of the vaunted democracy that had ruled there for two centuries. For Demetrius was a small, and his snail a large, puppet of the Macedonian strongman Cassander. When Alexander died at Babylon in 323 B.C., Greece, reduced to restive obedience by Alexander’s father in 338 B.C., rebelled from Macedonian control. And when the Macedonians once again defeated the Greeks, they suppressed the democracy of Athens, thinking

it easier to rule through a few prominent and pliable locals than the great and cawing Athenian assembly. As one Macedonian dynast yielded to another in control of Athens, so their Athenian creatures turned over to match.

Cassander was the disinherited son of Antipater, the harsh, graying retainer whom Alexander had left behind to rule Macedonia and Greece when he himself had marched east to conquer the world. But after Alexander’s death, and in the eagle-flight chasm of authority it left, the great men of the realm formed baffling and ever-changing combinations to hold an empire that extended from Greece to what is now Pakistan. One unsatisfactory heir to this world empire was a baby and the other a simpleton, and it is perhaps not particularly surprising that, at least in one telling, Alexander had left his empire “to the strongest.” One official-turned-warlord desperately evoked the nimbus of the king by displaying an empty throne piled with Alexander’s royal regalia, a sort of cargo cult to Alexander’s special magic.

Eventually, the several winners of the Wars of the Successors would rule as kings the parts of Alexander’s empire they had governed as marshals. And, eventually, they would learn to fill the gulf of authority left by Alexander’s death. But in the years when the impossible empire remained, in the minds of all, a shining unity, they fought without cease to control that unity’s fate, intriguing like the barons of the Wars of the Roses to control, or kill, possible heirs.

Cassander’s company was particularly unhealthy for Alexander’s sons, real or suppositious: Two died at Cassander’s hands, along with Alexander’s mother, the formidable Olympias. The ideal of unity, and the fact of division, shed blood. Like towering clockwork automata, set into heedless motion by a dead artisan, the successors swept up satrapies and cities, armies and elephants, in their train, and crashed into each other, the tearing-metal shrieks of their collisions rising over the moans of the world.

Something of the same problem of imposing unity on chaos confronts

the historian who attempts the irresistible subject of these Wars of the Successors. For this is a period that violently resists being reduced to a single story. There is almost an exhaustion of high deeds: too many great men, acting in too many places; and tremendous new cities founded, it seems, every month, in imitation of Alexander's many Alexandrias. (Antioch and Thessalonica are among the most famous today.) Interleaved with such tremendous acts are developments in science, art, philosophy, literature, and war.

A successful history, like Robin Waterfield's, creates unity where the

events allow: Beginning in Babylon around the corpse of Alexander, he holds the story together for as long as possible. And he artfully makes the end of *Dividing the Spoils* the tragedy of Demetrius Poliorcetes, "the Besieger," the doomed warlord of manic energy who carried on fighting into the 290s and '80s. But for the time between—well, Waterfield does all a historian can do: He makes sure all the characters are identified, provides good maps, and then gets out of the way of the events, standing in open-mouthed awe with his reader to watch the passing of titans and snails. ♦

different from belief in earlier phenomena like witchcraft or demonic possession is that those who performed them insisted that no supernatural powers were at work, just an unusual ability to exert or channel a natural force not yet understood by science but one that, once understood, would be fully compatible with it. Mesmer thought he had discovered a subtle vital fluid that he called "animal magnetism"; a royal scientific commission in Paris, however, led by the American ambassador to France, Benjamin Franklin, decided in 1784 that there was no such thing. It conceded the occasional successes of Mesmer's methods but attributed them to "imagination," which, for future psychologists of the unconscious, could itself be considered a mysterious natural force.

The natural powers of X-rays, atomic energy, and cell phones would all have been inconceivable before they gradually weren't, so one has to be cautious about deciding what improbable things are impossible. This seems to be Lamont's main point, and it's hard to argue with it—at least until you look at some of his subjects. If Mesmer demonstrated, without realizing it, the power of the subconscious mind, the psychics and spiritualist mediums who populated the Victorian era (and are still going strong) have mostly demonstrated the power of clever guesswork and deception.

Spiritualism was one of America's early cultural exports. It began in 1848 with the Fox sisters of Hydesville, New York, conducting table-rapping séances. A few years later, Daniel Dunglas Home, born in Scotland but raised in Connecticut, launched his own spectacular career of séances and levitations (of both furniture and himself). He dazzled eminent Victorians in London and royal audiences on the continent, including Napoleon III and the czar of Russia. He won over a skeptical Royal Society scientist named Crookes, but not Charles Dickens or Robert Browning, who publicly ridiculed him.

Lamont doesn't dwell on the fact that Home and others were caught using patented tricks. He's only concerned

Believing Is Seeing

The continuing saga of human credulity.

BY LAWRENCE KLEPP

Franz Mesmer (1734-1815), the spellbinding celebrity healer of late-18th-century Vienna and Paris, is one of those mercurial, charismatic characters who can only be described as, well, mesmerizing. Not everyone gets to be a verb and an adjective. For Henri F. Ellenberger, in his massive history of modern psychology, *The Discovery of the Unconscious*, Mesmer represented the turn from "exorcism to dynamic psychotherapy." Freud, who began his career by studying trance states with Charcot in Paris, and for whom hypnotism was the first "royal road to the unconscious," was one of Mesmer's heirs. Others include the psychic performers who have bewitched, bothered, and bewildered the modern world.

Mesmer hovers, a ghostly presence, over this book about belief in strange things. As author Peter Lamont points out, mesmerists were the first mind-power specialists to take to the stage in early-19th-century England, putting people into trances that made

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Extraordinary Beliefs

A Historical Approach to a Psychological Problem

by Peter Lamont
Cambridge, 336 pp., \$85



Animal magnetism at work

them insensible, or obedient to suggestion and command, before rapt audiences and suspicious scientists.

What made belief in psychic feats

with how people reacted to their apparently inexplicable feats and tried to explain them. So Lamont ushers his characters offstage quickly, eager to get back to his painstaking, hair-splitting discussions of belief and disbelief. He has some valid points to make about the circular reasoning deployed by both defenders and debunkers of psychic phenomena, and about the questions raised by their attempts to establish expertise and evidence. But he belabors them, repeats them, and turns them inside out without ever arriving at an illuminating psychology of belief, which I kept hoping was the point.

There's too much talk, in the academic fashion, about "framing" and "constructing" events and not enough about whether the table really did rise off the carpet in the dimly lit Victorian parlor.

In the author note, Lamont is described as "a senior lecturer at the School of Philosophy, Psychology and Language Sciences, University of Edinburgh"—as might be expected. He's also described as "a longstanding member of the Koestler Parapsychology Unit, a former professional magician, an Associate of the Inner Magic Circle and Past President of the Edinburgh Magic Circle"—as might not be expected. The book could have used some girls being sawed in half.

It would have been interesting if Lamont had defended, as a member of a "Parapsychology Unit," the reality of some psychic phenomenon such as ESP, or had given more than a passing one-sentence glance at UFOs and the Loch Ness Monster. Or if, as a former magician, he had devoted more time to exposing the tricks of the levitating and spoon-bending trade, the way the magician James Randi has so damningly done here in the United States. It would also have been interesting if he had gone into more detail about Home, the subject of a biography he has previously written, and other celebrity mediums. Instead we get pages and pages of arguments about arguments. The reader's eyes go glassy while working through long passages full of sentences like these:

This was part and parcel of the modern sceptical movement, from which the word "sceptic" emerged, though whether this is a new "kind of person" depends on what one means by "kind."

Extraordinary beliefs are based upon particular events, the ones in which people believe.

But in expressing beliefs about the facts, and in disputing whether they

are facts at all, there have been ongoing circular arguments involving belief, the facts and expertise.

You are getting sleepy . . . The reader can only conclude that Lamont's true métier isn't either professor or professional magician. His book has an uncanny power to put you into a deep trance, apparently insensible to all outward stimuli. Mesmer rides again. ♦



Follow the Money

*What people do with their wealth
is whose business?* BY MARTIN MORSE WOOSTER

One almost feels like shedding a tear for rich people these days. They are regularly pilloried by President Obama and his acolytes on editorial pages and talk shows as selfish greedheads who need to be taxed, and taxed again, as punishment for their wealth. Malcolm Forbes loved to show how his money let him pursue his endless enthusiasms, such as flying a balloon or buying artifacts for his collections. But if Forbes were alive today, the grim, prim Gradgrinds of the left would relentlessly attack him for daring to spend his wealth on activities he enjoyed.

What about rich people who leave their fortunes to charity? Here, Robert F. Dalzell Jr. examines Americans' changing attitudes towards philanthropists through case studies of the 17th-century merchant Robert Keayne, George Washington, the 19th-century entrepreneurs Amos and Abbott Lawrence, and the Rockefeller family. His concluding chapter is about the more important philanthropists of today, as well as the Occupy movement.

Except for Robert Keayne, all the

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The Good Rich and What They Cost Us

by Robert F. Dalzell Jr.
Yale, 208 pp., \$28

subjects of Dalzell's case studies have been the subjects of earlier books by the author. Dalzell, professor emeritus at Williams, may be an experienced business historian, but this thin book adds little to our knowledge, and it says nothing about what the rich "cost us." His concluding chapter shows that Professor Dalzell knows less about contemporary philanthropy than the average blogger.

Dalzell correctly argues that dislike of the rich long antedated the recent rantings of the Occupy movement. Indeed, Keayne may have been the first guilty rich person in America: He was a merchant who imported most of the nails that were used by the Puritans to build homes in Massachusetts. When Keayne died in 1656, he left an estate of £2,569—an enormous sum for the time. Because many people assumed he had started life with nothing, rumors were spread that Keayne's wealth had come as a result of his being a monopolist who gouged his customers. These critics,

Keayne wrote in his will, would “load me with diverse reproaches and long to lay me under a dark cloud.” He argued that, in 50 years of business, he had increased his profits by £100 a year, an amount that any “tradesman or merchant that hath a full trade” could earn. After carefully disposing of his possessions (his wife received his second-best bed, his son his best one), Keayne left a third of his fortune to the people of Massachusetts to build the city of Boston’s first library and first armory. The “dark cloud” that had hung over Keayne’s reputation gradually dissipated.

George Washington left little of his estate to charity, so Dalzell has little to say about him. The author is better in his discussion of the brothers Amos and Abbott Lawrence, who started off making money from merchant shipping and then, in the middle of the 19th century, used their wealth to create the giant textile mills in what became Lawrence, Massachusetts. Amos Lawrence delighted in handing books and coins to people he saw on the street. When asked why he did this, Lawrence cited the Book of Ecclesiastes: “Cast thy bread upon the waters, for thou shalt find it after many days.” But Amos Lawrence also gave Williams College its first library and a telescope, and his brother Abbott helped Harvard’s science program grow dramatically. (The Lawrence family continued to be major donors to Harvard, and one of Abbott Lawrence’s grandchildren, Abbott Lawrence Lowell, was Harvard’s president during 1909-43.)

Dalzell devotes more pages to the Rockefellers than to anyone else, but his portrait is, by and large, the standard one. John D. Rockefeller, when he became rich and famous, was besieged by mendicants and eventually hired a staff to deal with the fortune-seekers. This staff evolved into the Rockefeller Foundation, which largely separated itself from its founder upon its creation in 1913; by

1919, the split between the foundation and its creator was complete.

John D. Rockefeller Jr. appears to have been genuinely conflicted about being the only son of the world’s richest man: The younger Rockefeller had several “extended vacations” between 1894 and 1904 that appear to have been nervous breakdowns. But after 1905, “Junior” found his own voice as



John D. Rockefeller Jr., ca. 1943

a political liberal and cultural conservative. While he quietly endorsed the hard-line liberalism of the Rockefeller foundations, his sound taste in art can be seen in the Cloisters and the Chinese collections at the Metropolitan Museum of Art in Manhattan.

Dalzell’s chief complaint about the younger Rockefeller is that he bought art produced by commission from rich people of earlier generations. But just because Qing dynasty emperors commissioned the vases Rockefeller bought does not mean the vases are not worth collecting! It’s unlikely that Rockefeller purchased medieval art from Europe and China to glorify the upper classes of the past; he bought

art that he liked—and John D. Rockefeller Jr. had very good taste.

(Dalzell’s concluding chapter, on contemporary philanthropy, is superficial. He has grabbed the annual issue of *Forbes* profiling the 400 wealthiest Americans and supplemented it with Kitty Kelley’s biography of Oprah Winfrey and a few clips from *Fortune* and the *New York Times*.)

In Dalzell’s view, the “Giving Pledge” of Bill Gates and Warren Buffett is the central philanthropic issue of our time. Gates and Buffett have urged their fellow billionaires to devote at least half of their fortunes to charity, and have enlisted over 100 plutocrats to join them, including Michael Bloomberg, George Lucas, and Mark Zuckerberg. Dalzell is bothered that more billionaires haven’t agreed to sign this pledge, and faults both Oprah Winfrey and Steve Jobs for failing to give more to charity. But the history of non-profits teaches that charitable contributions often do more harm than good. The donors who use their wealth to create perpetual foundations ensure that most of their fortunes will perpetuate the permanent class of the liberal mandarins, who require first-class air fares and five-star hotels as they travel to endless summits, commun-

ing with the great and good about the mighty issues that will remain unresolved after a lifetime of junketeering.

It is far better to judge the rich not on how much they give to charity, but on where the money goes. Does their money go to groups who help the poor become productive members of the labor force, or does it go to non-profits who see their primary role as lobbying to increase the size and cost of the welfare state? Does their money support artists whose work is heroic and life-affirming, or depressing and life-denying? *The Good Rich and What They Cost Us* adds very little to the debate over how the richest Americans should spend the wealth they have created. ♦

In Churchill's Steps

A velvet red carpet in the 'Iron Curtain' city.

BY CITA STELZER

Fulton, Mo.

You learn a lot about America and its people on a book-signing tour.

I've been around the country signing copies of my new book about Winston Churchill, giving talks about the "greatest Briton of all time" and how he effectively used evenings at the dinner table to work in his country's interests. Lesson one: With the exception of a few lefties, Americans revere Winston Churchill. Lesson two: There are some really thoughtful readers out there. Questions from readers are knowledgeable, enthusiastic, and detailed.

But nothing could prepare me for the wonderful surprise I received in Fulton, where I had been invited by the National Churchill Museum to give a talk. The museum commemorates Winston Churchill and the important and prescient "Iron Curtain" speech he gave at Westminster College in March 1946—one short year after victory in Europe—warning that Stalin was on the move across Eastern Europe and that communism was an ongoing threat to the West. Harry Truman had approved the draft speech; but when the Soviets strongly objected, Truman backed off his support for Churchill's warning.

The National Churchill Museum is located in the spacious basement of St. Mary Aldermanbury, a Christopher Wren church from London that was damaged in the Blitz and was transported, brick by brick, to Fulton as a memorial to Winston Churchill. American women volunteered to embroider the kneelers, and a skilled carver cop-



St. Mary Aldermanbury, Fulton

ied Wren's original wooden pulpit. I couldn't help being moved by this display of affection for Churchill from hundreds of Americans.

When he arrived in Fulton, Churchill was treated to a tumultuous welcome: He was driven along thronged streets, Secret Servicemen hanging onto the sides of his car, to the house of the president of Westminster College for a welcoming lunch. The lunch consisted of Callaway ham, fried chicken, mashed potatoes and gravy, corn, and, for dessert, white sponge cake with strawberry sauce. In praising the lunch, and the ham in particular, Churchill famously quipped that "this pig has reached the highest state of evolution."

Fifty years after the Iron Curtain speech, the Iron Lady (as the Russians had dubbed her) arrived in Fulton to give a speech commemorating Churchill's, and was treated to a lunch identical to the one Churchill had consumed. I have found no record of what Margaret Thatcher, at the time no longer prime minister but still a force on the world stage, thought about the Callaway ham, or what was discussed at the luncheon. My best guess is that Thatcher, who personal experience taught me had little use for small talk, shared her views on Winston Churchill

and the state of international relations.

All of this is by way of saying that I view Fulton as hallowed ground, of a sort. So imagine my delight when I was welcomed to Fulton—no Secret Service, alas!—with a lunch at the Churchill Museum exactly duplicating the meals served to Churchill and Thatcher. Callaway ham is now available only if it is home-cured, and a staff member had gone to the enormous trouble of doing just that. (I agree with Churchill: This is the best ham I have ever tasted.) The fried chicken, mashed potatoes with gravy, and corn, freshly picked last summer and frozen, were not bad, either.

Everything had been prepared by the staff of the museum, which is lightly budgeted and staffed—meaning these were people for whom this was an addition to their regular jobs. One woman had even brought her grandmother's silver and glassware to make the table sparkle. Iced tea and lemonade were offered, as the lunch was alcohol- as well as tobacco-free—not exactly what Churchill would prescribe for conversation and learning. But equally important, my hosts knew how to convert a meal into a seminar, just as Churchill did: About a dozen of us, including the president of Westminster College and the head of the museum, spent a few happy hours discussing Churchill's contributions to the defeat of fascism.

There is another lesson here: that there is a deeply welcoming nature, a kindness, and an enthusiasm for heroic history out there in what the coastal elites call flyover country. The roster of distinguished speakers who have come to Fulton includes Mikhail Gorbachev, Lech Walesa, Hubert Humphrey, and Dick Cheney. Yet this scribbler was treated with as much—well, almost as much—kindness as was Winston Churchill.

I say "almost as much" because a room in the college president's house had been set aside for Churchill so that he could have a cigar, a nip, and a nap before delivering his Iron Curtain speech. But I shall never forget the warm welcome to which my Midwestern hosts treated me. This part of America is called the heartland because it is just that. ♦

Cita Stelzer is the author of Dinner with Churchill: Policy-Making at the Dinner Table.

A Greater Gatsby

This cinematic version works, old sport.

BY JOHN PODHORETZ

The new film version of *The Great Gatsby* is, shockingly, terrific—opulent, powerful, and thrillingly gorgeous. Baz Luhrmann, the director and cowriter, plays it as high melodrama, operatic both in intensity and the lushness of its settings and costumes.

This turns out to be the best possible approach. After a dreadful first five minutes, Luhrmann's *Gatsby* is never less than

immensely entertaining, and it moves splendidly. The re-creation of prewar New York and the bacchanalian revelry of the Jazz Age are on a scale I've only seen attempted once (in, of all things, Peter Jackson's wildly underrated 2005 remake of *King Kong*), and the cinematic results are jaw-droppingly spectacular. That includes the 3-D, which was integral to Luhrmann's conception from the get-go, and which works beautifully.

What Luhrmann's *Gatsby* doesn't have is the novel's singular greatness, but then, what does? Fitzgerald's *Gatsby* is a surpassingly, hauntingly, defiantly peculiar book. No one ever wrote anything quite like it before, and none of the million imitations since has come close to capturing its extraordinary qualities. There is a tension on every page between the quietly civilized tone of its narrator, Nick Carraway, and the emotional and social extremes of human behavior he is describing in the most achingly beautiful prose any American writer has ever produced. That tension is what makes *The Great Gatsby* a masterpiece.

The novel is a constant contradiction: highly realistic and highly symbolic, brilliantly satiric and yet utterly

heartfelt, rich with detail even as it is remarkably sketchy. It is a book about specific people at a specific time in a specific place, and at the same time it is a near-mythic portrait of American archetypes, none more so than Gatsby himself. As a character, he is

all but an abstraction; Fitzgerald never even describes Gatsby physically, except to call him an "elegant roughneck."

Gatsby is the distilled essence of the American character in Fitzgerald's conception, with his relentless striving, his unquenchable hope, and his determined obsessiveness, all of which he deploys in pursuit of an ultimately suicidal romantic fantasy.

Luhrmann, a flashy and overwrought Australian whose notable previous films include the gangland *Romeo + Juliet* in 1996 and the crazy musical *Moulin Rouge!* in 2001, isn't interested in Fitzgerald's deep dive into America; he's mostly consumed with glittering surfaces and ripe love triangles. Fortunately for him, his star is: What Leonardo DiCaprio does with the part of Gatsby is nothing short of miraculous. Gatsby is a Kennedy manqué here, all golden glamour, a human analogue of the glittering parties he throws. But, as in the novel, all that is on the surface. He digs deep into Gatsby's desperate intensity—the hunger to reclaim the lost love of Daisy Buchanan that animates his every waking moment. That reclamation will heal the pain of his youth and the horror of his wartime experience while cleansing him of the gangsterism that has made him a rich man. DiCaprio has spent his career being mistaken for a pretty boy, but here again, he proves himself a superb actor capable of unsettling intensity.

The Great Gatsby
Directed by Baz Luhrmann



Carey Mulligan, a young British actress, is the object of his desire: Daisy, the Louisville debutante whose voice "is full of money." While she gets at Daisy's high-born allure, Mulligan is unable to capture the quality of feckless unseriousness that leads Nick to famously describe her and her husband Tom as "careless people [who] smashed up things and creatures and then retreated back into their money or their vast carelessness, or whatever it was that kept them together, and let other people clean up the mess they had made." On the other hand, Joel Edgerton is perfect as Tom, who begins as a caricature of a rich and arrogant buffoon and ends up as one of the most chillingly and effectively pragmatic characters in all of literature.

And what of Tobey Maguire, who plays Nick Carraway? Alas, like the movie itself, Maguire begins dreadfully—with the insanely bright-eyed gee-whiz demeanor of Gene Kelly showing up in Manhattan as an out-of-town rube with a straw hat and glasses singing "Gotta Dance" in *Singin' in the Rain*. He's so over-the-top cartoonish that you hope someone will drop a piano on his head. (Luhrmann did this as well to Nicole Kidman, both in *Moulin Rouge!* and in his misbegotten 2008 epic *Australia*, for some perverse reason choosing wildly exaggerated takes for her opening scenes that made her seem like a very bad actress.) In the opening moments of *Gatsby*, we are treated to the movie's only plot addition—the story is being told by Nick to a doctor in a sanitarium, where he has gone to recover from a nervous breakdown some time following the events we are about to watch. Here, too, he seems simultaneously overwrought and stiff. But he settles down and gets better as the movie goes on.

The sanitarium framing device, which seems silly, ends up solving a problem. Nick is an almost completely passive presence in the book, a watcher who never intervenes in the main action. By turning the movie into a flashback, Luhrmann gives Nick the chance to change and redeem his life as Gatsby could not. Once again, that's not Fitzgerald's *Gatsby*—but, like so much else in this unexpectedly thrilling film, it works better than you ever expected. ♦

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

"...in the late 1960s, [Joanne Chesimard] shed what she called her 'slave name' for Shakur—a surname that she adopted as a member of the Black Panthers, whose adherents armed themselves as a show of force while also running a free breakfast program and other anti-poverty initiatives."

—Krissah Thompson, Washington Post, May 9

PARODY

The Washington Post

OFFICE OF THE EXECUTIVE EDITOR

To: News Staff

Hey, everybody!

Krissah's piece in this morning's Style section about Assata Shakur, the so-called terrorist, was wonderful in so many ways. But I thought that the way she characterized the Black Panthers was especially skillful -- and something that we, as a fiercely Independent newspaper, might want to emulate in the future. Let me give you some examples of what I mean:

... during 1933-45, when the country was governed by the Nazis, whose supporters advocated rearmament for Germany while building an ambitious network of highways and reducing unemployment from Weimar-era levels.

... where Churchill and Roosevelt met with Stalin, the Soviet wartime leader whose high standards and rigorous methods reformed the senior ranks of the Red Army and gave talented junior officers a chance to "show their stuff."

... around the same time that Robert Byrd joined the Ku Klux Klan, a fraternal organization founded in 1865, best known for its distinctive costume, fiery Christian symbolism, and fierce pride in ethnic identity.

... in developing nuclear weapons to defend Iran, where the people have long memories of U.S. interference in their affairs, and whose faith-based government has brought unprecedented stability to a country once ruled by an American puppet.

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